Refuge

Higher Education for Refugees

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Founded in 1981, Refuge is an interdisciplinary journal published by the Centre for Refugee Studies, York University. The journal aims to provide a forum for discussion and critical reflection on refugee and forced migration issues.

Refuge invites contributions from researchers, practitioners, and policy makers with national, international, or comparative perspectives. Special, thematic issues address the broad scope of the journal's mandate, featuring articles and reports, shorter commentaries, and book reviews. With the exception of formally solicited work, all submissions to Refuge are subject to double-blinded peer review. Articles are accepted in either English or French.

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Introduction:
Higher Education for Refugees

Sarah Dryden-Peterson and Wenona Giles

Young refugee women and men provide hope for the future in the most uncertain and dire of situations. For their families, they represent the chance for more sustainable economic livelihoods; and for their countries of origin, the possibility of more stable political and social leadership. Yet most are denied opportunities to pursue the kinds of education that would help them to cultivate the skills, knowledge, and critical thinking capacities to live up to these expectations.

Education is not often included in humanitarian responses. This is so, despite a normative framework for the provision of education in emergencies since 2004, in the form of the Interagency Network for Education in Emergencies (INEE) Minimum Standards for Education in Emergencies,[1] which is a companion to the Sphere Project Humanitarian Charter and Minimum Standards;[2] and the institutionalization, since 2006, of an Inter-Agency Standing Committee (IASC) humanitarian response cluster for education.[3] The lack of educational response has been evident, for example, in the Dadaab camps in northern Kenya, where seventy-five additional schools or 1,800 classrooms were urgently needed to serve 75,000 recently arrived school-aged children, and yet education was not included in the July 2011 United Nations High Commissioner for Refugees (UNHCR) appeal for the Horn of Africa.[4]

Compounding the lack of emergency response in education is the reality that displacement is not a short-term situation: conflicts between 1999 and 2007 lasted on average twelve years in low-income countries and twenty-two years in middle-income countries.[5] Refugee camps, historically meant to be temporary transit places, often resemble poorly resourced villages and towns. At the start of 2009, 8.5 million people worldwide had been sequestered for ten years or more in long-term refugee situations,[6] without prospects for returning to their countries of origin, settling locally in their countries of asylum, or being resettled to a third country. Currently, there are approximately thirty "protracted" refugee situations[7] throughout the world wherein the average

length of stay is now close to twenty years.[8] These refugees represented 63 per cent of the 13.6 million Convention refugees and other asylum seekers located outside of their countries worldwide, as of the beginning of 2009.[9] In addition, there are now 27.5 million internally displaced persons or IDPs,[10] who have been ousted from their homes and local communities due to civil wars, but who remain within their home country borders.[11]

The extended nature of displacement and the lack of possibilities for education in exile mean that most refugees miss out on their one chance for school-based learning. Yet given the uncertainty of the future for refugees, the increasingly globalized realities that most of them face, and the promise of knowledge-based economies, education—that is adaptable and portable—is critical.

The Convention on the Rights of the Child (1989) states that recognizing the right to education includes "mak[ing] higher education accessible to all on the basis of capacity by every appropriate means."[12] Realization of this right for refugees requires an approach that conceives of education as a long-term investment for society and the lack of access to quality education at all levels as stunting development potential.[13] Refugees commonly articulate this approach, but it is not generally reflected in policies and practices of donors and UN agencies. While there remain many unaddressed issues related to the provision of quality education for refugees at primary and secondary levels,[14] the issue of higher education for refugees is virtually unexplored in both scholarship and policy.

In what follows, we provide an introduction to the nascent field of higher education for refugees to situate this first collection of papers on the issue within broader debates in the fields of forced migration and education. We begin by examining the opportunities for higher education available for refugees, situating them within an educational continuum from early childhood to post-secondary. Next we explore the socio-economic and emancipatory potential of higher education for both individuals and society. We then

outline the papers that make up this special issue on higher education of refugees, mapping new terrain of what is known in this field. Finally, we conclude with some thoughts on the gaps that remain and ideas for ways forward in the pursuit of accessible higher education for refugees.
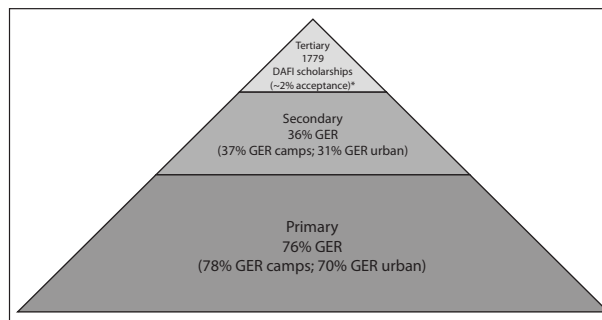
A Broken Pipeline

Higher education necessarily forms part of an educational continuum, often called a "pipeline,"[15] beginning with early childhood education and continuing through primary and secondary school. These levels of education are linked, as the idea of a continuum implies: without successful completion of primary and secondary school, higher education is not an option; and, conversely, in situations where access to higher education is limited or non-existent, children and young people are less motivated to persist in primary and secondary school.[16]

For refugees, education is rarely a smooth continuum from one level of schooling to another, and opportunities narrow at each step of the way. Available data indicate that for refugees the 2009 Gross Enrolment Ratio (GER)[17] for primary school was 76 per cent globally, with lower rates of access in urban areas (70 per cent) and for girls (72 per cent). Access drops dramatically at secondary level such that the 2009 GER for refugees globally was a mere 36 per cent. At secondary level, in particular, there are great gender disparities between regions such that, for example, only five refugee girls are enrolled for every ten boys in Eastern Africa and the Horn of Africa.[18]

Among refugees who have completed secondary school, there is almost universal desire to attend university.[19] Yet access to higher education for refugees is even more limited than at primary and secondary levels. Even when refugees have met all academic prerequisites for higher education, there are other barriers to accessing opportunities, including cost; documentation, such as birth certificates or examination results; recognition of learning certifications obtained in another country; and institutions' nationality requirements either for enrolment or the availability of low fees.[20] There are several routes to higher education for refugees that attempt to circumvent these barriers, most commonly self-sponsorship—in the form of savings or remittances—for enrolment in host country institutions or distance and open learning programs; scholarships to host country or Northern institutions (see Peterson, this issue); and free or low-fee services through collaborations between non-governmental organizations (NGOs) and universities (see MacLaren and Purkey, this issue).

No comprehensive data is available on rates of access to higher education for refugees, yet the numbers of refugees enrolled in higher education are certainly small. Data

Figure 1. The narrowing pipeline to higher education for refugees

Tertiary
1779
DAFI scholarships
(~2% acceptance)*

Secondary
36% GER
(37% GER camps; 31% GER urban)

Primary
76% GER
(78% GER camps; 70% GER urban)

*Used as a proxy for access given data limitations.

from the largest higher education scholarship program for refugees, the German-funded and UNHCR-run DAFI program,[21] gives some indication of the availability of higher education. Over nineteen years, DAFI has provided approximately 5,000 scholarships for study at colleges and universities in host countries.[22] This number of scholarships meets only a fraction of the demand, with generally between ten and thirty applications received for each available scholarship and acceptance rates as low as 2 per cent in some cases (see Figure 1).[23]

Habitus, as used by Bourdieu, describes the culturally and situationally embedded structures that shape the way an individual interacts with her/his world, cognitively, physically, emotionally. One's *habitus* develops out of experiences in particular "field structures," or environments.[24] This concept is useful in explaining not only the practical but also the emancipatory impacts of lack of access to education for refugee children and young people. In particular, it describes processes of socialization that align aspirations with the conditions in which refugee young people find themselves and adapt what they see as possible to the logic of their surroundings. Yet while Bourdieu argues that *habitus* is deeply engrained and durable, he admits that it not immutable.[25]

What socializing messages are sent to refugee young people by policies and practices related to higher education? How are these messages internalized, or how are they contested? UNHCR's Education Policy Commitments affirm that UNHCR will "safeguard the right of refugees to education … which include[s] … . equitable access to appropriate learning for youth and adults."[26] However, higher education remains a low priority for most donors, often perceived as a "luxury" for an elite few, especially in refugee situations where access to primary and secondary education is far from universal (see Dryden-Peterson, this issue). There is a clear conflict between the lack of provision of opportunities for higher education for refugees and the aspirations of

refugee young people (see Clark-Kazak, this issue),[27] specifically in terms of how the future is imagined.

Precarity to Possibility

There is little question that post-secondary education has the potential of giving greater voice to displaced populations. It can create an educated segment of society that can return and rebuild local, regional, and national institutions should refugees have the chance to repatriate (see Farah, this issue). And education can contribute to personal growth, social development, and knowledge creation, application, and dissemination. The issue of the "voice" of refugees has been raised in much research and policy on refugees; i.e. where can refugees safely air their concerns and requirements; who represents refugees; are some groups of refugees completely denied the possibility of expressing their rights? In her discussion of representation, Fraser refers to the extreme case of those who are "excluded from membership in any political community … . deprived of the possibility of authoring first-order claims, they become non-persons with respect to justice."[28] As per Nyers[29] and others, refugees experience this precarious space as extremely delimited, particularly so, if they are located in refugee camps. Zeus describes this space as one that depends on "a narrative of the refugee as a passive victim," whereas, she argues, higher education is a crucial "tool to … reverse this narrative" by making refugees into their own "agents" who are empowered from within, rather than from the (mostly) emergency aid that is imposed from without.[30]

The 1951 Refugee Convention recognizes the fundamental rights of refugees to access education, earn a livelihood, and seek justice when wronged.[31] However, Smith[32] states that since the enactment of the Convention, more than two-thirds of the refugees in the world are denied such basic human rights.[33] The location of the majority of refugees in poorer regions of the world demonstrates the linkage between the global economics of wealth and a Western culture of fear.[34] UNHCR has pointed out that "less-developed countries are both the major source and destination of refugees": 86 per cent of refugees originated in these areas and 72 per cent of the world's refugees are provided with asylum in these regions.[35] Ensuing inequalities have left these regions and peoples of the world exposed to impoverishment and extreme precarity: "Poverty exacerbates conditions of forced migration and exile, no matter which economic class, ethnic group, or gender is involved."[36] Access to higher forms of education enables young adults to make the types of inspired, creative, and resourceful decisions that will not only improve their personal livelihoods but, when linked to a broader educated community, can reverse the negative effects of militarized violence and activate

community reconstruction from within (see Wright and Plasterer, this issue).

We know that power relations are crucial in defining the situation of refugees. Kabeer defines power as the "ability to make choices."[37] To be disempowered therefore means that choice is denied. Empowerment, which is a slippery and overused term, is deftly and insightfully defined by Kabeer as "*a process of change*" away from disempowerment (authors' emphasis).[38] Choice, then, is central to her analysis. She distinguishes between first-order and second-order choice. First-order choice is defined as "strategic" choice and second-order choice as "less-consequential" choice. She writes: "Inasmuch as our notion of empowerment is about change, it refers to the expansion in people's ability to make strategic life choices in a context where this ability was previously denied to them."[39] She is interested in the "*inequalities* in people's abilities to make choices, rather than the *differences* in the choices they make[40]—although she also raises the issue of the emergence of critical consciousness in the ability to make choices (e.g. she argues that without a critical consciousness "women's internalization of their own lesser status in society" leads them to "discriminate against other females in that society"[41]). In her application of similar principles to refugees, Zeus states, "Only with higher education can refugees be expected to adapt themselves to their new surroundings, to integrate into their host society and to become self-reliant… ."[42] She refers to Dodds and Inquai's earlier work in which they state that "without [higher education, refugees] will inevitably remain outsiders and a permanent drain on the resources of the host community" (See also El Jack, this issue).[43]

Kabeer's analysis leads us to three points regarding education and the precarity and possibility of refugees' lives. First, the very provision and uptake of higher education in itself signals "a process of change" away from disempowerment. Clearly, this process also includes a prior and/or concurrent shift in power relations between refugees and others. Second, higher education will expand the ability of refugees to make better strategic life choices, as the quality and quantity of information and knowledge that is accessible to them expands and improves. Third, education at the tertiary level has a greater potential than lower levels of education to contribute to the development of a "critical consciousness" that will enhance the strategic choices that refugees make. This is particularly crucial in militarized and volatile environments such as refugee camps where the choices may include whether or not to join a militia group, to engage in risky or precarious types of work, or to return to the home country or put one's energy and resources into resettling elsewhere.

A Foreword to the Special Issue

The articles collected in this special issue provide ample evidence that higher education for refugees is not a luxury. We have divided the articles into two sections: first, theoretical and empirical academic contributions and second, practice-based and reflective reports from the field. Taken together, the range and depth of evidence demonstrates the importance of higher education for refugees, both for individuals and for society in terms of rebuilding lives and fostering leadership in protracted settings and post-conflict reconstruction. The articles also critique and nuance the forms of higher education—in both content and structure—that can be most effective for refugees to meet these personal and societal goals.

In the opening article, Sarah Dryden-Peterson situates higher education for refugees within the broader field of education in developing education systems. Her policy analysis identifies the competing priorities of UN agencies, donors, and refugee communities, specifically within global movements focused on the provision of primary education. It also analyzes the common ground amid these competing priorities in terms of higher education as connected to future livelihoods and stability in regions of origin.

Amani El Jack's interviews with the former, so-called "Lost Girls" of Sudan reveal the value that these women have placed on access to education prior to and since arriving in the United States. She describes the trajectory of their struggles—exacerbated by very unequal gender relations—to arrive at the doors of universities and colleges in the US and the sense of transformation that these women express as a result of becoming visibly present in institutions of higher education.

Randa Farah examines the situation of Sahrawi refugees in Algeria and how education has played a central role in the establishment of their government–in-exile. She documents the numerous ways in which Sahrawis have accessed higher education and explores how education is viewed as a means to alleviate poverty and to accomplish the establishment of a nation-state.

Laura-Ashley Wright and Robyn Plasterer delve into the weighty question: does higher education add value to the community or just to the individual? Through an examination of data from refugee camps in Kenya, they challenge the traditional notion that access to higher education for refugees will do little to address the needs and concerns of the encamped community as a whole. They point to the ways in which refugees with access to higher education provide leadership and help to bolster service provision in the camps, not only in education but in all sectors.

Christina Clark-Kazak explores the situation of Congolese refugees in Kampala and in the Kyaka II refugee settlement in Uganda. Her in-depth interviews highlight the many ways in which class, social age, and gender are implicated in access to education. She further examines the "politics of education" in the Democratic Republic of Congo and in exile, with emphasis on the gaps for refugee young people between educational aspirations and educational realities.

Yogendra Shakya and his colleagues explore a similar gap between educational aspirations and realities among Afghan, Karen, and Sudanese refugee youth in Toronto, Canada. Through community-based research, they show how newcomer refugee youth navigate complex barriers related to language and family responsibilities, among others, to pursue their goals of higher education.

Martha Ferede marshals evidence to show that refugees are the least educated among newcomers to Canada. Her review of the state of research on higher education for first-generation refugees in Canada points to several structural barriers refugees face, including misperceptions of the costs and benefits of higher education and the widespread tracking of refugees into non-college tracks in high school.

In the first of the field reports, Marina Anselme and Catriona Hands examine a prerequisite to higher education: secondary education. Drawing on their experiences working with the Refugee Education Trust (RET), they outline the gaps in access to secondary education by refugees, providing country-specific examples. They point to barriers of law, cost, accreditation, and culture, particularly related to gender, that provide new challenges for policy makers and practitioners in seeking to expand access beyond primary.

Mary Purkey focuses on four civil society initiatives in the Mae Sot area of Thailand that aim to expand educational opportunities for Burmese refugee youth. She notes the impact of a precarious legal situation on the development of these programs. In particular, she points to the challenges of developing collaborative relationships between Burmese educators and international supporters given dependency on this outside assistance and to the need for flexibility in curriculum design.

Duncan MacLaren's site of investigation is also the Thai-Burma border, where he examines a formal higher education Diploma program provided by the Australian Catholic University in collaboration with several North American institutions. He focuses on the process of creating such a program and the ongoing challenges to course delivery in terms of useful lessons for replication of this program in other contexts.

In the final report, Glen Peterson traces the history of the World University Service of Canada (WUSC) Student Refugee Program, which is one of the world's largest sponsorship programs for refugees to pursue higher education.

Through his experiences as an advisor to this program, he reflects on the transformational role of this program for refugees, for faculty and staff on Canadian campuses, and for transnational interactions. The WUSC program is also discussed in Robyn Plasterer's review of Debi Goodwin's 2011 book, *Citizens of Nowhere: From Refugee Camp to Canadian Campus*, included in this special issue.

Remaining Gaps and Ways Forward

The provision of higher education for refugees has been overshadowed by persistent challenges to access and quality in primary and secondary education that narrow the pipeline at tertiary levels and generate questions of equity and priority. However, the articles collected in this special issue point to both instrumental and emancipatory roles that higher education can play both for individual refugees and for societies in exile and upon return. Indeed, the theoretical, empirical, and practice-based evidence brought together by this special issue provides strong rationale for higher education as a policy priority.

This policy priority may be gaining momentum. On October 5, 2011, Erika Feller, the UNHCR Assistant High Commissioner for Protection, emphasized the role of education, including higher education, in UNHCR's protection strategy in her speech to the sixty-second meeting of the Executive Committee. She reported that UNHCR's new Education Strategy (2012–2016) will "expand opportunities for refugees to participate in tertiary education, e.g. through certified distance education programmes."[44] This discourse is encouraging.

Yet the articles in this special issue clearly underline that the provision of higher education for refugees is not without substantive and logistical challenges that are contextually based. The authors in this special issue provide some ideas of ways forward in developing higher education programs for refugees and the urgent need for extensive research in this area. For example, the Kenyan-Canadian-international collaboration, Borderless Higher Education for Refugees (BHER),[45] with which we are involved, takes many lessons from these innovative initiatives, particularly around the purposes of and perspectives on higher education for refugees and North-South relations in higher education provision. Yet many questions remain that are related to appropriate pedagogy; accreditation and recognition of earned credentials; the balance of efficiency and effectiveness in combinations of distance technologies and face-to-face interactions; the gender relations of access to higher education for refugees; the geopolitics of access to higher levels of knowledge and knowledge making; and the role of Northern universities in partnership with local institutions in home and/or host countries. If there is a single theme

that emerges from this special issue, it is the need for collaboration—between academics and practitioners, between educators and humanitarian specialists, between institutions in the global North and the global South—in order to tackle the enormous challenges to creating opportunities for higher education for refugees.

Notes

1. The Inter-Agency Network for Education in Emergencies (INEE) was officially founded in 2000 as a global and open network with the goal of ensuring the right to quality and safe education for all in emergencies, chronic crises, and post-conflict recovery. It includes more than 5,700 members, from NGOs, UN agencies, donor agencies, governments, academic institutions, schools, and communities of affected persons. For more information, see http://www.ineesite.org.

2. The Sphere Project was founded in 1997 by a group of humanitarian NGOs and the Red Cross and Red Crescent movement based on a collaborative process to define and implement common standards for responding to humanitarian disasters. The work of the Sphere Project is operationalized principally through the Humanitarian Charter and Minimum Standards in Disaster Response (commonly referred to as the "Sphere Handbook"). For more information, see http://www.sphereproject.org.

3. The Inter-Agency Standing Committee (IASC) was established in 1992 in response to UN General Assembly Resolution 46/182, with the goal of strengthening humanitarian assistance. It is the primary mechanism for humanitarian response by key UN and non-UN organizations and serves as a forum for coordination, policy development, and decision making. For more information, see http://www.humanitarianinfo.org/iasc/.

4. UNHCR, "Health Concerns in Ethiopia Camps, Start of School Year for Refugee Children in Dadaab, Briefing Notes, 2 September 2011," UNHCR, http://www.unhcr.org/4e60afa69.html.

5. UNHCR, "Handbook for Emergencies," 3rd ed. (Geneva: UNHCR, 2007), 417.

6. USCRI (United States Committee for Refugees and Immigrants), "Statistics: Warehoused Refugee Populations (as of December 31, 2008)," *World Refugee Survey 2009*, http://www.refugees.org/FTP/WRS09PDFS/WarehousingMap.pdf.

7. The UNHCR describes a "protracted" refugee situation as "one in which refugees find themselves in a long-lasting and intractable state of limbo;" see UNHCR, The Executive Committee of the UNHCR. 30th Meeting of the Standing Committee. Protracted Refugee Situations (June 10, 2004), 1, accessed October 20, 2011, http://www.unhcr.org/40c982172.pdf. What was once initially a protective space becomes over the years and decades a site where

refugees "progressively waste [their] lives" (ibid., 3). One of the problems with this descriptive is that it tends to essentialize refugees as victims. The process of living for a long time in a refugee camp has also been referred to as "refugee warehousing;" see Merrill Smith, "Warehousing Refugees: A Denial of Rights, a Waste of Humanity," *World Refugee Survey* (US Committee for Refugees and Immigrants, 2004).

8. James Milner and Gil Loescher, "Responding to Protracted Refugee Situations: Lessons from a Decade of Discussion" (Forced Migration Policy Briefing 6, Refugee Studies Centre, Oxford Department of International Development, University of Oxford, 2011), 3.

9. USCRI (United States Committee for Refugees and Immigrants), "Statistics: Refugee and Asylum Seekers Worldwide (as of December 31, 2008)," *World Refugee Survey 2009*: 32.

10. Internal Displacement Monitoring Centre, Global Estimates for IDPs 1990–2010, accessed April 22, 2011, http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument.

11. Despite the fact that internally displaced persons (IDPs) are not protected by the 1951 Refugee Convention, the UNHCR "is now embarking on its biggest operation to help displaced people since 1945;" Duncan Campbell, "Exiles in Their Own Land," *Guardian Weekly*, 28 April–4 May, 2006: 28.

12. United Nations, "Convention on the Rights of the Child" (1989).

13. Dana Burde, "Education in Crisis Situations: Mapping the Field" (Washington, D.: Creative Associates/Basic Education Support Project, United States Agency for International Development, 2005).

14. See Sarah Dryden-Peterson, "Refugee Education: A Global Review" (Geneva: UNHCR, forthcoming).

15. See, for example, Laura J. Horn and C. Dennis Carroll, "Confronting the Odds: Students at Risk and the Pipeline to Higher Education" (Washington, DC: US Department of Education, 1997); Committee for Economic Development, "Cracks in the Education Pipeline: A Business Leader's Guide to Higher Education Reform" (Washington, DC: Committee for Economic Development, 2005); National Center for Public Policy and Higher Education, "Policy Alert: The Educational Pipeline: Big Investment, Big Returns" (San Jose, CA: National Center for Public Policy and Higher Education, 2004).

16. Joshua Chaffin, "Framing Paper 1: Education and Opportunity: Post-Primary and Income Growth" (New York: INEE, 2010); Jenny Perlman Robinson, "A Global Compact on Learning: Taking Action on Education in Developing Countries" (Washington, DC: Brookings Institution, 2011).

17. Gross Enrolment Ratio is the total enrolment in a specific level of education, regardless of age, expressed as a percentage of the population in the official age group corresponding to that level of education. GERs can exceed 100 per cent due to early or late entry into school or to repetition. It is not to be confused with the Net Enrolment Ratio (NER), which expresses the enrolment of the official age group for a given level of education, expressed as a percentage of the population in that age group.

18. UNHCR, "Report on the Enrolment Rates to Primary and Secondary Education in UNHCR Operations" (Geneva: UNHCR Department of International Protection, 2010); see also Dryden-Peterson, "The Key to the Future: Providing a Quality Education for All Refugees, a State-of-the-Art Review."

19. Women's Refugee Commission, "Living in Limbo: Iraqi Young Women and Men in Jordan" (New York: Women's Refugee Commission, 2009).

20. UNHCR, "UNHCR Education Policy and Guidelines," (Geneva: UNHCR, forthcoming).

21. DAFI is the German acronym for the Albert Einstein German Academic Refugee Initiative.

22. Claas Morlang and Sheri Watson, "Tertiary Refugee Education Impact and Achievements: 15 Years of DAFI" (Geneva: UNHCR, Technical Support Section Division of Operation Services, 2007), 18.

23. Ibid., 17; Women's Refugee Commission, "Living in Limbo: Iraqi Young Women and Men in Jordan," 6.

24. Pierre Bourdieu, *Outline of a Theory of Practice*, Cambridge Studies in Social Anthropology 16 (Cambridge and New York: Cambridge University Press, 1977); Pierre Bourdieu, *The Logic of Practice* (Stanford, CA: Stanford University Press, 1990).

25. Pierre Bourdieu and Loïc J. D. Wacquant, *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992).

26. UNHCR, "Education Strategy: 2010–2012" (Geneva: UNHCR, 2009), 36.

27. Charles Watters, *Refugee Children: Towards the Next Horizon* (London and New York: Routledge, 2008), 98.

28. Nancy Fraser, "Reframing Justice in a Globalizing World," *New Left Review* 36 (Nov/Dec 2005): 77.

29. Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (New York and London: Routledge, 2006).

30. Barbara Zeus, "Exploring Barriers to Higher Education in Protracted Refugee Situations: The Case of Burmese Refugees in Thailand," *Journal of Refugee Studies* 24, no. 2 (2011): 272. .

31. UNHCR (United Nations High Commissioner for Refugees), *Statistical Yearbook: Refugees, Asylum-Seekers and Other Persons of Concern—Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2002).

32. Smith, "Warehousing Refugees: A Denial of Rights, a Waste of Humanity."

33. Ibid., 38.

34. Wenona Giles, "Class, Livelihood and Refugee Workers in Iran," in *Mobility, Mobilization, Migration: Class and*

Contention in a World in Motion ed. Pauline Barber and Winnie Lem (Oxford: Berghahn Press, 2010), 36.

35. UNHCR (United Nations High Commissioner for Refugees), *Statistical Yearbook: Refugees, Asylum-Seekers and Other Persons of Concern—Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2002), 24–25.

36. Ibid., 26.

37. Naila Kabeer, "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment," *Development and Change* 30 (1999): 436.

38. Ibid., 437.

39. Ibid.

40. Ibid., 439

41. Ibid., 441.

42. Zeus, "Exploring Barriers to Higher Education in Protracted Refugee Situations," 258.

43. T. Dodds and S. Inquai. *Education in Exile: the Educational Needs of Refugees* (Cambridge: International Extension College, 1983), 12.

44. Erika Feller, "Doing Protection Better, Statement of the AHC(P)," in *62nd Session of the Executive Committee* (Geneva: UNHCR, 2011).

45. See http://crs.yorku.ca/bher for more information.

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The Politics of Higher Education for Refugees in a Global Movement for Primary Education

Sarah Dryden-Peterson

Abstract

In the context of Education for All (EFA) and the Millennium Development Goals (MDG), global movements for expanded access to education have focused on primary education. In refugee situations, where one-quarter of refugees do not have access to primary school and two-thirds do not have access to secondary school, donors and agencies resist supporting higher education with arguments that, at great cost, it stands to benefit a small and elite group. At the same time, refugees are clear that progression to higher levels of education is integrally connected with their future livelihoods and future stability for their regions of origin. This paper examines where higher education fits within a broader framework of refugee education and the politics of its provision, with attention to the policies and priorities of UN agencies, NGOs, national governments, and refugees themselves.

Résumé

Dans le contexte des initiatives Éducation pour tous et Objectifs du millénaire pour le développement, les mouvements internationaux pour élargir l'accès à l'éducation sont axés sur l'enseignement primaire. Dans le cas des réfugiés, dont le quart n'a pas accès à l'école primaire et les deux tiers, à l'école secondaire, les donateurs et les agences hésitent à soutenir l'éducation supérieure arguant que celle-ci, d'emblée plus coûteuse, ne profitera qu'à un groupe restreint et privilégié. Parallèlement, les réfugiés croient fermement que la progression vers de plus hauts niveaux d'éducation fait partie intégrante d'un gagne-pain futur et d'une éventuelle stabilité dans leurs régions d'origine. Cet article examine où se situe l'éducation post-secondaire dans un cadre élargi de l'éducation des réfugiés ainsi que les politiques pour sa prestation, et s'attarde sur les politiques et les priorités des agences des Nations Unies, des ONG, des gouvernements nationaux et des réfugiés eux-mêmes.

Introduction

Access to education is a basic human right and a central component of development strategies linked to poverty reduction, holding promises of stability, economic growth, and better lives for children, families, and communities. In 1948, the Universal Declaration of Human Rights recognized compulsory education as a universal entitlement. The Convention on the Elimination of All Forms of Discrimination Against Women (1979) called for no discrimination in educational provision for men and women, and the Convention on the Rights of the Child (1989) affirmed the right of all children to free and compulsory primary education (Article 28.1.a). The global education movement is built on these visions and is expressed in the Dakar Education for All Framework for Action (2000) and the Millennium Development Goals (2000). These frameworks specify the need to establish quality access to education for all and to do so by 2015.

Higher education has remained largely outside of the global education movement, within which the focus has instead been on primary education. Through a synthesis of literature and policy analysis, this paper explores the place of higher education for refugees in situations where vast numbers of children do not have access even to primary school. First, I discuss the politics of provision of higher education through the lens of the global education movement and its particular commitment to equity. Second, I survey the state of educational access for refugees at all levels of education, placing higher education within a continuum of education including primary, secondary, and tertiary education. Finally, I examine the particular importance of higher education for refugees and how it can contribute to the global

Higher Education and the Global Education Movement

Access to a complete course of quality primary education is the main objective of the global education movement as outlined in the Dakar Framework for Action and the Millennium Development Goals.[1] There is some emphasis on secondary education, life skills training, and adult literacy and continuing education,[2] but higher education is not mentioned in these seminal documents. The global priorities for education are rooted in both the geography and the philosophy of the movement. They are borne of a recognition that the greatest challenges to educational access are in the least developed countries (LDCs), geographically centred in sub-Saharan Africa and South Asia, particularly in countries affected by conflict or undergoing reconstruction.[3]

There has been remarkable progress in many countries toward educational access for all, such that, globally, the number of out-of-school children decreased from 115 million to fewer than 70 million between 2000 and 2010.[4] Progress in conflict-affected states, however, has been more difficult; UNESCO estimates that 28 million out-of-school children live in low and lower-middle income conflict-affected states, which represents 42 per cent of the world's total.[5] In Democratic Republic of Congo (DRC), for example, only 52 per cent of children are enrolled in primary school,[6] and just 49 per cent of those beginning primary school complete the primary cycle.[7] Further, countries that have recently universalized access to primary education have often done so at the expense of quality, such that even children enrolled in school are not gaining the desired skills, knowledge, and competencies.[8] In this situation, the immediacy and pressing nature of barriers to accessing quality primary education overshadow concurrent barriers in higher education.

The numbers of children without access to primary education in much of the global South necessarily narrows the pipeline to higher education and raises philosophical questions related to equity. Fewer than three per cent of the eligible age group have access to higher education in Africa,[9] what sociologist Martin Trow would characterize as an "elite" system of higher education.[10] In the conflict-affected DRC, for example, only 0.4 per cent of the population accesses university,[11] and 70 per cent of higher education institutions are in the capital city, Kinshasa.[12] While Altbach is confident that all education systems globally are moving toward mass enrolment (between 20 and 30 per cent) and even universal enrolment (more than 30 per cent),[13] many LDCs, especially in sub-Saharan Africa and those that are affected by conflict, continue to lag behind in this "massification."[14]

Despite the small reach of higher education in the global South, the educational policies of many of these countries strongly favour higher education. Using 1999 data from the UNESCO "Statistical Yearbook," Su reports that in non-OECD countries, the relative education expenditure is "stunningly" higher for tertiary than primary. In Malawi, for example, public expenditure per pupil as a proportion of GNP per capita is 9 per cent at primary, 27 per cent at secondary, and 1,580 per cent at tertiary; the relative ratio of education expenditure is therefore 3 between secondary and primary and 176 between tertiary and primary.[15] In post-genocide Rwanda, higher education was conceived as the primary mechanism of economic development such that in 2000, higher education funding made up one-third of the budget allocation to education. While higher education in Rwanda has thrived, the primary education system still falters.[16]

Higher education is indeed expensive, and state support for it reduces resources for other educational endeavours. Moreover, it perpetuates inequalities in already divided societies. Psacharopoulos and Patrinos show that the returns to education in non-OECD countries are significantly higher at the primary level and moderately higher at the secondary level than at the tertiary level.[17] Research is conclusive that mass expansion of higher education reduces income inequality only when labour market conditions are right.[18] In LDCs, subsidies for higher education are often correlated with higher GINI coefficients,[19] which indicates increased inequality, although this is beginning to change in new knowledge economies, where there is rapid expansion in employment opportunities involving the production of ideas and information.[20] In cases of underdevelopment and of conflict, the creation and expansion of knowledge economies is rare as well as slow. In these contexts, the wealthy benefit disproportionately from public investment in higher education due to what Su calls "exclusive participation"[21] of the wealthy and limited access for others. Existing policies favouring higher education in many LDCs are not based in forward-looking economic policies and instead can only be explained by the political power of dominant elites who influence budget allocations in favour of subsidizing higher education for their own children.

Large-scale investment in higher education in countries of the global South, particularly in conflict-affected states, is conceived of as being at the expense of investment in under-resourced primary and secondary systems. Given that this investment does not appear to match the goals of equity that underpin the Dakar Framework for Action and the Millennium Development goals, higher education in these contexts is not a priority for donors.

Figure 1. Refugee participation in primary and secondary school (2009) as compared to global participation (2008) expressed in Gross Enrolment Ratios (GER)
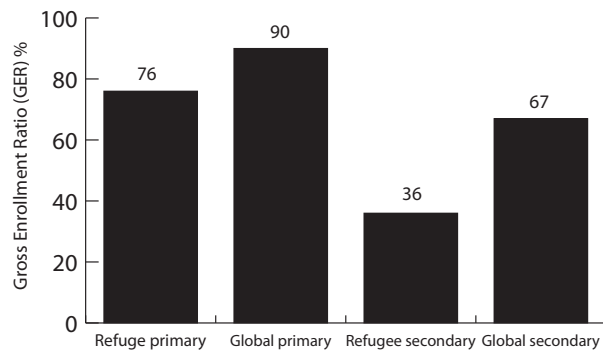
Source: Sarah Dryden-Peterson, "Refugee Education: A Global Review" (Geneva: UNHCR, 2011, forthcoming).

Educational Access for Refugees

Refugees are one group of conflict-affected people who remain out of school in large numbers. In Dakar, in 2000, conflict and disasters were explicitly acknowledged as obstacles to the achievement of Education for All (EFA) targets,[22] and the evidence clearly points in that direction. Article 22 of the 1951 Convention Relating to the Status of Refugees binds the signatory states to "accord to refugees the same treatment as is accorded to nationals with respect to elementary education [and] treatment as favourable as possible … with respect to education other than elementary education."[23]

Despite this provision, refugee participation in education is strikingly low.[24] In 2009, the average primary school Gross Enrollment Ratio (GER)[25] of six- to eleven-year-olds was 76 per cent, across ninety-two camps and forty-seven urban settings. The average secondary school GER of twelve- to seventeen-year-olds was much lower at 36 per cent, across ninety-two camps and forty-eight urban settings. As a point of comparison, in 2008, the global primary school GER was 90 per cent, and the global secondary school GER was 67 per cent (see Figure 1). While GERs vary by country, GERs for refugees are generally lower than for nationals.[26]

Despite continued low participation, the current educational enrolments of refugees represent an upward trend, reflecting a new emphasis on education in refugee situations. Until recently, education for refugees received very little attention, with the focus on "life-saving" interventions related to food, shelter, and health. There are a number of reasons for which education is now on the agenda.[27] In particular, the nature of contemporary conflicts means that refugee situations are increasingly protracted, such that

refugees can spend their entire school-age years displaced. In addition, UNHCR and its donors have increasingly viewed refugee education as an issue of security, particularly in the protective role education can have for refugee children and youth in meeting psychosocial needs, providing space for conveying survival messages, and developing skills for conflict resolution and peacebuilding.[28]

Further, this shift within refugee education has been driven by tremendous growth in the larger field of "education in emergencies." The Inter-Agency Network for Education in Emergencies (INEE), conceived at the World Education Forum in Dakar in 2000, has led this movement. It is an open network of 5,700 representatives from NGOs, UN agencies, donor agencies, governments, academic institutions, schools, and affected populations.[29] The INEE Minimum Standards, first created in 2004 and updated in 2010,[30] are now the normative framework for practice in the field, including for refugee education. The Minimum Standards for Education are also a companion to the Sphere Project Humanitarian Charter and Minimum Standards[31] and, since 2006, there has been an Inter-Agency Standing Committee (IASC) Global Education Cluster, both serving to bring legitimacy to the role of education in humanitarian response.

Increased attention to education for refugees represents two critical shifts in the conceptualization of humanitarian assistance. Euripides wrote in *Medea* in 431 BC that "[t]here is no greater sorrow on this earth than the loss of one's natural land." Land no doubt is a connection to one's home place, to ancestors, and to a sense of belonging; perhaps more importantly, it has provided for families' future security. The importance of "one's natural land" has guided refugee policy for much of the twentieth century, with UNHCR's preferred durable solution as voluntary repatriation to one's home country. Increasingly, however, and more so in knowledge-based economies, future security is less tied to land, and UNHCR policy has begun to reflect a second possible durable solution of local integration into the country of asylum.[32] This shift in thinking and policy includes the provision of education, which is often perceived on the development side of a relief-to-development aid continuum.[33]

Moreover, availability of education for refugees reflects what refugee families seek. It is not uncommon for community leaders to ask the World Food Programme (WFP) to provide teachers additional food rations to encourage them to stay in the community and play a role in educating the children;[34] or for parents to sell their food rations to pay for their children's school fees.[35] A refugee from Kenya explains that "[i]n Africa, in the olden times, you could give your children land as an inheritance … . Now in Africa …

there's no land, people are many. So the only inheritance you can give a child is education."[36] Refugees have long been arguing that future security—economic, political, and social—is inherently connected to skills, capacities, and knowledge that can accompany an individual no matter where they may be geographically. In other words, future security and livelihoods are tied to education and represent a critical element of humanitarian assistance.[37]

UNHCR's Education Strategies, 2007–2009 and 2010–2012, reflect these shifts in thinking about the education of refugees and emphasize the right to education for every child, youth, and adult of concern to UNHCR.[38] UNHCR has focused on access to education and quality of education as the central elements of ensuring the basic right to education. Given UNHCR's central mandate for refugee protection, a third element frames the Education Strategy: protection. Despite these strategic priorities, there are limited human and financial resources available for refugee education within UNHCR. Within the entire organization there are only two education officer positions, with one of them created just this year (2011). Further, the global education budget in 2010 represented only 4 per cent of the total comprehensive UNHCR budget, down from 8 per cent in 2008. In 2010, available funding covered 60 per cent of the assessed needs; in 2011, available funding covered only 39 per cent of the assessed need and, in 2012, available funding is again expected to cover 39 per cent of the assessed need.[39]

In an environment where resources are so limited and where primary school completion remains rare, there has been little attention to higher levels of education for refugees. In 2010, primary education accounted for 27 per cent of the UNHCR education budget; post-primary activities, including tertiary scholarships, vocational scholarships, secondary education, and vocational training accounted for 20 per cent.[40] From available data, the amount allocated to tertiary education in 2010 cannot be disaggregated; however, in the 2012 budget analysis, tertiary scholarships account for 4 per cent of UNHCR's education budget.[41]

The lack of focus on tertiary education was not always the case within UNHCR.[42] Until the mid-1980s, UNHCR devolved responsibility for primary education to refugee communities, focusing human and financial resources on post-primary education. For example, the number of post-secondary scholarships increased from about 1,000 in 1966 to over 1,200 in 1987, and to 3,950 by 1987,[43] with direct funding from UNHCR and from other organizations such as the World University Service, World Council of Churches, Lutheran World Federation, and the Commonwealth Secretariat.[44] Yet, in UNHCR's Education Strategy 2010–2012, post-primary education refers to secondary education and vocational and skills training; higher

education is not mentioned.[45] At present, in terms of the politics of aid, even secondary education is difficult for UNHCR to support, and "the main challenge for UNHCR [in tertiary education] is to overcome donor reluctance in funding scholarship programmes"[46] as "most donors focus on primary education."[47]

Access to higher education outside of humanitarian structures is also difficult. Application processes typically require documentation that refugees may not have, including birth certificates, school diplomas, and examination results. In countries of first asylum, refugees who seek to access higher education are often treated by national institutions as foreign students, with the exorbitant fees that this status usually entails.[48] In addition, some universities have enrolment quotas, giving priority to nationals. Further, there are sometimes matriculation restrictions that serve to limit enrolment by certain refugee groups such as in the case of Makerere University in Uganda, which in 2005 did not accept translations of high school diplomas, making it impossible for anyone educated in DRC with a French-language diploma, for example, to enter the university.[49]

Despite these challenges, the 2007 Executive Committee Conclusion on Children at Risk recognized the need to "promote access to post-primary education wherever possible and appropriate."[50] In addition, the 2008 High Commissioner's dialogue on protracted refugee situations identified the importance of access to tertiary education for refugees in long-term displacement.[51] Furthermore, the UNHCR Education Policy Commitments, first published in 2003, state that UNHCR will "safeguard the right of refugees to education … which include[s] … . equitable access to appropriate learning for youth and adults … Moreover, UNHCR will advocate for tertiary education and will support the effective use of resources donated for this purpose."[52]

There are several tertiary scholarship programs for refugees, including through the World University Service of Canada (WUSC) and the Windle Trust. In addition, there are a growing number of programs that provide post-secondary opportunities to refugees through a combination of scholarships and distance education, including by the Jesuit Refugee Service in East Africa and the Australian Catholic University on the Thai-Burma border. These programs are mostly ad hoc, with no global coordination and, as they are also new, little has been documented about their processes and outcomes.

Formal and global support to higher education for refugees is exclusively through the DAFI Program (DAFI is the German acronym for the Albert Einstein German Academic Refugee Initiative), administered by UNHCR. This program is completely separate from broader UNHCR education

policies and strategies and reaches a relatively small number of refugees. As explained in the 2007–2009 UNHCR Education Strategy, the program "only makes tertiary education accessible for the most deserving refugees."[53] These students, from necessity, are those who have previously had access to the resources to allow them to complete secondary school and, although data are not available, likely represent families with higher social, human, and financial capital.

Since its inception in 1992, the DAFI program has funded approximately 5,000 students from seventy countries of origin in seventy-one host countries.[54] In 2008, there were 1,779 DAFI scholars.[55] The UNHCR Education Strategy 2010–2012 makes clear that "there is a need to expand the scope of scholarships and the number of beneficiaries through the future establishment of similar programmes."[56] Indeed, there is high demand for these scholarships, and UNHCR generally receives between ten and thirty applications for each scholarship that is available. In some countries, acceptance rates for DAFI scholarships are 2 per cent, and many students approach UNHCR for scholarships even in countries where none are available.[57]

Refugees and Higher Education: A Way Forward within the Global Education Movement

The reluctance by donors in general and by UNHCR in particular toward including higher education within educational programming for refugees parallels the general trend toward an emphasis on primary education in the global education movement, as shaped by Education for All and the Millennium Development Goals. Signalling the move away from post-secondary education in the mid-1980s, a review of UNHCR's education programs concluded that post-primary scholarship "assistance requires a disproportionate share of resources for a small amount of refugees both in terms of staff time and project funds … . In a way, scholarships have a tremendous potential for creating an elite group, long accustomed to privileged treatment."[58]

Indeed, in the conflict-affected regions where refugees live, access to primary education is, as explained above, extremely low. Further, only 37 per cent of camp-based refugees have access to secondary school and, even though students in search of secondary education often move to urban areas, urban refugees also face great challenges of access, with only 31 per cent of secondary-school age refugees enrolled.[59] In the settings where refugees live, comprehensive and accessible systems of primary and secondary education are rare, making equitable admissions strategies for higher education difficult.[60]

Yet just as within the broader global education movement, lack of investment in higher education is a double-edged sword. On the one hand, prioritizing resources for primary and secondary education better meets the needs of the vast number of children and youth who do not have access to these levels of education. It addresses equity goals over the short term. On the other hand, ignoring the development of higher education has negative long-term consequences both for individuals and society. For example, recent research by the World Bank concludes that private returns to tertiary education are often equal to the private returns to primary education, in that each additional year can yield wages 10 to 15 per cent higher.[61] While these private returns are often inequitably distributed, the economic growth generated by the high-level skills cultivated through higher education can also have widespread societal benefits. The World Bank presents evidence that a one-year increase in average higher education levels would raise the annual growth of Gross Domestic Product (GDP) in sub-Saharan Africa by 0.39 percentage points while simultaneously increasing the long-run level of African GDP per capita by 12 percent.[62] Given current access to higher education in many LDCs, this increase in average education levels is a long way off, yet these individual and societal benefits underscore the importance of attention to this sector of education within the global education movement.

There are three further reasons why the provision of higher education for refugees, in particular, is critical to the overall goals of the global education movement, particularly its commitment to equity. First, higher education, like primary and secondary, is an instrument of protection in refugee contexts. The recognition by donors, agencies, and refugees themselves of the protective role education can play has translated into a funding priority particularly at the primary level. There is, however, also a growing recognition of the protective role of education for youth in conflict settings.[63] Reflecting this understanding, US President Obama's much-publicized Global Engagement Initiative includes a component to engage youth in the Muslim world through education as a peacebuilding and counter-terrorism endeavour.[64] Indeed, for youth, the protective role played by access to secondary and higher education includes the provision of productive post-primary opportunities for positive growth and development and "keeping them out of military service."[65]

Second, and related, access to higher education contributes to the rebuilding of individual refugees' lives and the realization of durable solutions. The 1989 Convention on the Rights of the Child (CRC), in Article 29, binds states to "make higher education accessible to all on the basis of capacity by every appropriate means,"[66] and the INEE Minimum Standards advocate equal access to the education that each individual student needs, be that primary school or university.[67] Refugees who have completed secondary

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school almost universally voice the desire to attend university, as the Women's Refugee Commission found among Iraqi refugees in Jordan, for example.[68] This desire may be linked to possible economic benefits made more likely through further education. It may also be an alternative to the labour market, since "if access to the labor market is limited for young people, as it often is in situations of emergency and reconstruction, they need the stimulus and challenge of education to absorb their energies and lessen their frustrations and anxiety about the future."[69] In both cases, the opportunity of education provides refugees with the ability to think about the future.[70] Unlike a focus on survival, which generally reduces people to passive recipients and does not recognize the human thirst for knowledge acquisition that enables one to think about the future and to plan and strategize for one's family, experiences with higher education allow for a shift in thinking toward considerations of the possible and potential.[71]

Third, higher education is a tool of reconstruction. Investment in higher education not only meets the needs of individual refugees and their individual durable solutions but also contributes to the development of the human and social capital necessary for future reconstruction and economic development in countries or regions of origin.[72] A study of the DAFI program for Afghan refugees, for example, demonstrates "a direct link between a refugee programme focused on tertiary education and national reconstruction." In particular, refugees who had access to higher education found it more viable to move back home post-conflict and did so early in the repatriation process. The study further shows that over 70 per cent work as civil servants or as NGO managers, filling much-needed roles in a society in the process of rebuilding.[73] Further, in 2008, approximately 6 per cent of DAFI students were engaged in teacher training activities.[74] A cadre of teachers with this kind of training is essential for rebuilding an education system, often a central component of post-conflict reconstruction.[75] So while a focus on primary education may be logical when viewed narrowly through a lens of equity, a universal—and equitable—system of primary education requires teachers who are produced in the secondary and tertiary systems.[76]

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In conclusion, the provision of higher education for refugees is clearly in need of attention within the global education movement. In LDCs and particularly in conflict-affected countries, higher education has been largely ignored, with the focus of educational development and aid aimed at meeting the Education for All and Millennium Development Goal targets of primary education. Higher education for refugees, most of whom live in LDCs, has

followed this same pattern. The choice between investment in primary and higher education is, in many ways, a zero-sum game. Yet this conceptualization conflicts with the reality that the continuum of an education system, from the primary level and including higher education, requires investment to promote both individual development and national and regional reconstruction.[77] In the case of refugees, this investment requires the financial commitment of international donors in order to build the institutional capacity of UNHCR for higher education and to support other initiatives by universities and NGOs. The discussion about trade-offs between primary and higher education parallels broader discussions in the humanitarian field about emergency versus development priorities.[78] Just as in that debate, there is evidence that a simultaneous focus on all levels of education—a systems-building approach—renders important benefits for both individuals and society.[79] Resources are always limited and decisions necessary; however, a long-term view from the outset can result in more effective short- and long-term outcomes, including the investments that might be made to ensure an equitable higher education provision that meets the needs of individual refugees and the societies to which they hope to contribute, no matter where their futures may be.

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"Education Is My Mother and Father": The "Invisible" Women of Sudan

Amani El Jack

Abstract

Education plays a significant role in informing the way people develop gender values, identities, relationships, and stereotypes. The education of refugees, however, takes place in multiple and diverse settings. Drawing on a decade of field research in Kenya, Sudan, Uganda, and North America, I examine the promises and challenges of education for refugees and argue that southern Sudanese refugee women and girls experience gendered and unequal access to education in protracted refugee sites such as the Kakuma refugee camp, as well as in resettled destinations such as Massachusetts. Many of these refugees, who are commonly referred to as the "lost boys and girls," did not experience schooling in the context of a stable family life; that is why they often reiterate the Sudanese proverb, "Education is my mother and father." I argue that tertiary education is crucial because it promotes self-reliance. It enables refugees, particularly women, to gain knowledge, voice, and skills which will give them access to better employment opportunities and earnings and thus enhance their equality and independence. Indeed, education provides a context within which to understand and make visible the changing nature of gender relationships of power.

Résumé

L'éducation joue un rôle important dans l'obtention d'information sur la façon dont sont acquises les valeurs, les identités, les relations et comment se développent les stéréotypes relatifs aux genres. L'éducation des réfugiés, par contre, s'effectue dans des milieux multiples et variés. En m'appuyant sur des études de terrain effectuées pendant une décennie au Kenya, au Soudan, en Ouganda et en Amérique du Nord, j'examine les promesses faites aux réfugiés en matière d'éducation de même que leurs difficultés et j'argumente que les femmes et les filles réfugiées provenant du Sud du Soudan connaissent un accès inégal à l'éducation basé sur leur genre dans des camps de déplacement prolongé, comme celui de Kakuma, ainsi qu'à des destinations de réinstallation, telles que le Massachusetts. Nombre de ces réfugiés, communément surnommés « enfants perdus », n'ont pas eu droit à des études scolaires dans une situation familiale stable. C'est d'ailleurs pourquoi ils réitèrent souvent le proverbe soudan « Ma mère et mon père forment mon éducation. » Je soutiens que l'éducation supérieure est primordiale, car elle favorise l'autonomie. Elle permet aux réfugiés, en particulier aux femmes, d'acquérir des connaissances, une voix et des compétences qui leur donneront de meilleures possibilités d'emploi et de meilleurs revenus, ce qui contribue à leur égalité de fait et à leur indépendance. En effet, l'éducation fournit un contexte au moyen duquel on peut comprendre et mettre en lumière la nature changeante des rapports de pouvoir entre les genres.

Introduction

My parents were killed when I was five years old. The Arab government bombed our village in south Sudan, so I walked with a group of boys and girls in the Sahara. We lived in refugee camps in Ethiopia and Kenya for 10 years before we resettled in Boston … Education is my mother and father.[1] It tells me what is right and wrong and shows me the way. I am so sad that I lost my parents' love and care but I am happy to gain an education. We survived the most horrible past, but now with education we will strive for a better future.[2]

Over the last decade, a growing number of scholars have focused on refugee education,[3] but little attention has been devoted to the gender dimensions of refugee education, particularly at the tertiary level. This paper addresses the

promises and challenges of all levels of education for southern Sudanese refugee women and children. I argue that refugee women and girls experience unequal access to education prior to their displacement from south Sudan, in protracted refugee camps such as Kakuma,[4] and in the United States. However, education has become both a means to survival and a driving force motivating them to succeed.

This study is based on qualitative ethnographic data that I gathered from two rounds of fieldwork. The first round was conducted between 2001 and 2003 with forty-five southern Sudanese refugee women, men, and children in Kenya and Uganda. The research participants were predominantly Dinka and Nuer refugees who were forced to flee southern Sudan and reside in refugee camps for periods of time ranging from two to ten years.[5] The second round of fieldwork was conducted in March 2011 in Boston, Massachusetts, with ten southern Sudanese students (five females and five males) who were resettled from the Kakuma refugee camp to Massachusetts.[6] At the time of the interviews, the participants in this second group were all enrolled at various universities and community colleges in Massachusetts, at both the undergraduate and graduate levels. This group of young resettled refugees is commonly referred to as the "lost boys" of Sudan, and has have received great attention in the international media.[7] However, little attention has been paid to the plight of the thousands of "invisible girls" who fled Sudan along with the boys and shared distinct and gendered experiences of both displacement and education.[8]

To better understand the invisibility that the southern Sudanese women and girls experienced and their unequal access to education in both Kakuma and Massachusetts, I draw on feminist perspectives on male dominance and women's invisibility. One use of invisibility derives from the work of feminist scholars such as Josephine Beoku-Betts.[9] Beoku-Betts's analysis of male dominance emphasizes that African women are marginalized because of patriarchal values and institutions that discriminate against women and render them invisible. In the context of this study, I use the term "invisibility" to point to the failure to recognize the experiences of southern Sudanese women and girls during processes of conflict and militarized displacement, especially during their protracted refugee experiences in the Kakuma refugee camp, and their resettlement experiences in the United States. Invisibility and male dominance are indeed mutually reinforcing.

Historically, southern Sudanese men and boys have often been privileged over women and girls through differential rights and resources. In south Sudan, boys are generally given preference over girls. From early childhood, girls and boys are socialized to perform strictly defined gendered behaviours and roles. For instance, a famous Nuer saying

that was frequently repeated by the people I interviewed is, "The man should be the ruler of the home, and his wife should unquestioningly act according to his will." That explains why, in the Dinka and Nuer communities, male children are given preference over females. A sixty-year-old southern Sudanese woman I interviewed in Nairobi in 2001 explained,

> Back home, male children were preferred to females because they were considered to be the heirs of the family lineage. It is believed that girls would get married off to other families while boys carry and preserve the family's name and heritage. Therefore, in my village [in Eastern Upper Nile] there was a lot of pressure on pregnant women, from their families and in-laws, to give birth to male children. Not bearing boys is often considered to be the woman's fault. That is why some men feel justified in marrying a second wife [or more wives] in order to give birth to a male successor.

As the above quotation illustrates, patriarchal notions of femininity and masculinity are central in shaping such gendered meanings, identities, and institutions. Children are taught to respect and obey their parents and the elderly, particularly male figures. Females are obliged to obey their male relatives when they are young, and such obedience is automatically transferred to their husbands and male in-laws upon marriage. A key traditional practice in these marriages is the bridewealth payment by the groom's family, in cattle as well as in cash.[10] Marriage means that the bride's family relinquishes control over her reproductive and productive ability and grants it to her husband and his family in return for bridewealth. The concept of bridewealth allows men the right to control the labour and productivity of women and children and renders the women invisible.[11]

To reiterate, invisibility and male dominance help explain the unequal power relations within the southern Sudanese communities. I argue that historically, gender perceptions have been defined in ways that privilege male-dominated structures while, at the same time, subordinating women. In the next section, I examine how women's marginalization has been exacerbated as a direct result of armed conflicts in south Sudan and protracted refugee experiences in the Kakuma camp. As a result, the so-called "lost boys" of Sudan have remained visible in the camps, as well as in the United States, while the girls' needs have become invisible and their voices silenced.

Protracted Refugee Situations and Southern Sudanese Refugees

In Sudan, forced displacement is not merely a consequence of armed conflicts; it has repeatedly been used as a deliberate weapon of war.[12]

For instance, between 1955 and 2005, armed conflicts between successive governments in northern Sudan and the Sudanese People's Liberation Army (SPLA) in the south produced over 4.5 million refugees and internally displaced people (IDPs). The armed conflict in southern Sudan stemmed from deeply entrenched forms of oppression, inequality, and exclusion. Gender, social, economic, and political inequalities have exacerbated the conflict.[13] In 1983, the government of Sudan (GOS) used scorched-earth strategies to forcibly displace the Dinka and Nuer communities from their territories in southern Sudan. For instance, the northern government targeted and burned villages in order to secure the territories around the oil fields, which intensified the displacement of millions of south Sudanese refugees, including the people I interviewed. The conflict altered the demographic and gender aspects of the southern Sudanese society. It is estimated that the armed conflicts have resulted in the death of over 2.5 million southern Sudanese and skewed the population structures so that young persons under age fifteen make up 53 per cent of the population. Moreover, because so many men were either killed or displaced during the armed conflict, females are estimated to comprise about 55 per cent of the population, as of 2005.[14] One young southern Sudanese woman in Boston described her experience:

> Our village in south Sudan was bombed at night. We panicked. My parents ran in one direction and my brother and I walked with a group of boys and girls for many months in the Sahara. It was a very long walk. We had no food or water. We were forced to drink urine and eat leaves in order to survive. Wild animals attacked us. It was very hard. Many of the boys and girls died while walking. We had to leave their dead bodies lying in the forest and continued to walk. We were very tired and had no energy to bury that many dead bodies. Animals and vultures gathered in the sky to eat the dead bodies. I still have nightmares when I remember our journey.[15]

All of the women, men, and children I interviewed have survived long and extremely dangerous experiences of displacement. They have all endured the violent experiences of political upheaval, have suffered the death of loved ones, and have experienced social, economic, and cultural exclusion. However, Sudanese women and girls, who have already been marginalized by the structural inequalities of male-dominated Sudanese society, have been more adversely impacted by displacement as well as by ensuing protracted refugee situations.

In July 1992, the United Nations High Commissioner for Refugees (UNHCR) established the Kakuma refugee camp in northwestern Kenya to host 16,000 so-called "lost boys" fleeing militarized violence in southern Sudan.[16] While about 3,000 young women and girls accompanied the boys on their traumatic journeys, their refugee experiences have barely been documented within the Kakuma camp or beyond.[17] One woman in Boston put it this way:

> I guess the displaced girls are invisible because of cultural tradition. The people in charge of the refugee camps tended to connect unaccompanied girls to whatever foster families they could find. Boys were left independent. As for us, we had to stay with other families in the camp and were forced to clean the houses, cook, do the laundry, and fetch water. As a result many girls could not attend the camp schools or benefit from any of the sport activities like the boys. In my heart, I still resent the reasons why the UNHCR focused all its attention on the boys and not us. I was orphaned too.[18]

As Wendy Chamberlin, the former United States Deputy High Commissioner for the UN High Commissioner for Refugees, states, "The discrepancy among adolescents bears out refugee testimony that young girls from the Kakuma camp are being sold into marriage to take advantage of high bridal prices." Because of patriarchal discrimination against women, entrenched cultural practices, and extreme poverty within the camp, the guardians who were entrusted with the responsibility of protecting the young girls exploited them. Before these people were displaced, these communities used to rear and breed cattle, cultivate crops, and brew and sell traditional liquor. They were traditionally agriculturalists and agro-pastoralists who did not have the resources to survive in confined long-term refugee situations. Becoming protracted residents in refugee camps meant that they experienced restrictions on their movement, the erosion of their socio-economic status, and the denial of their basic human rights.

Women and young girls in Kakuma had to assume more gendered responsibilities, such as caring for younger siblings and the elderly, along with the burdens of other domestic work. These added responsibilities have both short-term and long-term impacts on the welfare and future of female household members. Furthermore, the gender roles that women and girls were forced to take often exposed them to gender-based violence and even death. Many of the women and girls were raped only because they were performing the traditional gendered duty of collecting firewood.

The main dilemma of protracted refugee camps such as Kakuma, as Crisp argues, is that they are "usually to be found in peripheral border areas of asylum countries: places which are insecure, where the climatic conditions are harsh, which are not a high priority for the central government and for development actors, and which are consequently

very poor."[19] Hyndman addresses the invisibility of refugee women and men by arguing that refugee camps "remove evidence of human displacement from view and contain 'the problem' without resolution, as non-communities of the excluded."[20] Humanitarian assistance to refugees in long-term situations has primarily focused on emergency short-term food relief, temporary housing, and medical services. The UNHCR, the host government in Kenya, and the international NGOs have implemented "long-term care-and-maintenance programs" that pay little attention to the refugees' self-reliance and economic security.[21]

The UNHCR has attempted to find "durable solutions" for southern Sudanese refugees. According to the UNHCR, durable solutions include local integration in the receiving countries, voluntary repatriation to their countries of origin if these countries become secure, or resettlement to another country.[22] The search for durable solutions is important because such attempts "can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum."[23] These efforts seek to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health, or other fundamental rights are at risk in the country where they have sought refuge. They also have the potential to challenge existing and inequitable social and cultural norms, such as gender inequalities. However, the latter depends upon the ability of international protection agencies and NGOs to recognize the gender relations of a specific situation.

Thus, in 2000, the United States government granted special approval for approximately 4,000 southern Sudanese to come to the United States, only 89 of whom were Sudanese young women, despite the fact that 3,000 young women had been admitted to Kakuma in 1992. These women became invisible and under-represented in resettlement figures and programs. Harris, DeLuca, Matheson, and McKelvey investigate the causes of the invisibility of the southern Sudanese women and argue that there has been a global emphasis on the refugee and resettlement experiences of the "Lost Boys of Sudan," while the Sudanese young women seem to remain "lost," predominantly in the eyes of the media and the international community.[24]

In an article entitled "Where are the 'Lost Girls'?" McKelvey argues that these women were twice forgotten: first in the camps, and again in the resettlement processes. She further states that international aid workers prioritized the boys' resettlement through "psycho-social programs and kept a list of those who were being counseled. The girls weren't included—presumably, they were being cared for by their foster families. UNHCR officers later relied on the

'psycho-social program' ledgers to determine who should be recommended for resettlement." One of the women I interviewed in Boston realized that she would have to be very strategic to make herself "visible" and put it this way:

> When I heard that the resettlement opened for boys, I sat down in the middle of the night and asked God to help me get out of the camp. But I didn't know where to start as I knew that the community or the family that I was staying with would never allow me to go to the United States. But I wanted to come to the USA to pursue my education and build a decent life for myself.[25]

Gender Dimensions of Southern Sudanese Education

Education plays a significant role in reproducing gender values, identities, relationships, and stereotypes; in schools, children construct their ideas about femininities and masculinities. Institutions such as the school, the family, the community, refugee camps, and national and international actors play a key role in forming gender perceptions and stereotypes. South Sudanese women experienced unequal access to education in pre-colonial, colonial, and post-colonial times, and they continue to do so today both in and out of refugee camps, and even in resettlement in the United States.

Historically, in south Sudan, educational and religious institutions facilitated by missionaries and colonial administrators imposed Western models of education and reinforced patriarchal gender values. Mama argues that in an effort to "civilize the savages," in many African societies, British legal and administrative colonial systems altered traditionally accepted gender values and roles and instead applied very strict perceptions of femininity and masculinity.[26] Indeed, the British colonizers (between 1898 and 1956), influenced by the patriarchal values that existed in Europe in the nineteenth and twentieth centuries, introduced to southern Sudan a "Victorian ideology of domesticity" and encouraged the doctrine of separate gendered work and domestic spheres for women and men. In southern Sudan, the methods and philosophy of missionary education aimed at training men to dominate public affairs while women were given training to prepare them for domestic life that rendered them invisible. At first, the British colonizers discouraged education for both women and men throughout Sudan.[27] But when Sudanese were needed to serve in the junior ranks of the colonial civil service, the British prioritized the education of boys and men, tailoring education to enforce traditional gender roles and values. Female primary education was only initiated in 1907 in northern Sudan and three decades later in the south.[28] In both the south and north, girls' schools had lower academic standards than boys' schools

and focused primarily on training girls in stereotypical gendered activities such as cooking, baking, home crafts, and needlework. Women's education and training were oriented toward preserving patriarchal norms and values. The aim was to prepare women to be ideal housewives who would then take better care of their husbands and children and positively influence the next generation.[29]

One aspect of the British colonial rule's prioritization of the education of boys over girls was the establishment of boarding schools in the south, which enrolled small numbers of sons of Christian families and privileged chiefs who valued the importance of Western knowledge.[30] However, the majority of those in the southern Sudanese male-dominated society preferred to socialize their children to value and herd cattle, which they viewed as a symbol of prestige and status. Only the families that had few cows allowed their boys to attend these schools. The majority considered schools to be a place to deposit children who were too lazy, recalcitrant, or incompetent to be trusted with the family cattle. As Chanoff argues, "Sending a child to school meant branding him with the shame of his father's disrespect or his poverty."[31]

Yet Southern Sudanese attitudes towards women and children's education have not always been negative. For instance, anti-colonial nationalism in Sudan equated the liberation of the nation with the education of communities and the emancipation of women.[32] This is why the early supporters of Sudanese women's rights were nationalist elites: secular, progressive men who situated the women's question at the centre of the anti-colonial national struggle. In fact, a few privileged, educated women were mobilized to join the national liberation struggle. Although it was not a mass movement, these women managed to challenge institutional discrimination against women and campaign for equal rights for women in the public sphere. This positively impacted a few southern Sudanese women who managed to enter the formal job market and earn salaries. For example, Anne Itto Leonardo received a doctorate from the University of Khartoum in the 1970s and was employed by the Regional Ministry of Agriculture in the south, as well as the University of Juba. Referring to her earlier belief that women could not achieve in the masculine public sphere, she states, "I worked myself out of this femaleness … I also saw myself as [being as] strong as a man."[33]

In the 1970s and early 1980s, access to education led to some improvement in the lives of southern women. A small group of white-collar female workers emerged in the south. Acquiring higher degrees of education enhanced women's confidence, as Leonardo's statement illustrates. However, due to the armed conflict in the 1980s, thousands of southern Sudanese women, men, and children were forced to flee their homeland and become refugees in the Kakuma camp. Many of the women interviewees in my fieldwork in 2001–3 reiterated that protracted refugee situations had rendered them vulnerable again because an increasing number of women and girls (as well as some of the boys) were not been able to access all levels of education at the Kakuma camp. However, unlike in the past, when most of the southern Sudanese communities did not endorse education for either boys or girls, education is now viewed by at least some women and men as a way to empower women, as well as the larger community. For the people I interviewed, education appeared to be of paramount importance and was the subject of their aspirations and hopes for a better life and a better future.

"Education Is My Mother and Father"

Most of the southern Sudanese refugees that I interviewed during my fieldwork in Kenya, Uganda, and the United States stressed that education is essential to rebuilding the lives of refugees, both children and adults. Education enables refugees, particularly women and girls, to gain the knowledge and skills that would allow them to engage in public spaces and paid employment, and thus to enhance their equality and independence. Education has been identified by my interviewees as a priority because it provides youth with a sense of hope and reduces the risk of their engaging in dangerous militarized activities. For these Sudanese women, men, and children, education is important mainly because it promotes self-reliance by building human capacity that can constitute a solid foundation for post-conflict reconstruction and development. As one of the so-called "lost boys" explains:

> We started a new life in the Ethiopian refugee camp, where I went to school for the first time in my life … We learned under a tree. No shelters, clothing, books, pens, or chalkboards. Our teachers used charcoal to write on old cardboard boxes. We used to level the sand on the ground where we would trace the letters and numbers … A few years later at Kakuma camp, I began to learn English and Kiswahili, in order to communicate with the other refugees. I began to see education as necessary for my survival in the world. Neither dust nor hunger nor diseases would stop us.[34]

In refugee camps, education is often viewed as the "fourth pillar" of humanitarian assistance: just as important as the other three pillars of food, shelter, and health services. Crisp and Talbot point out that education "provides opportunities for students, their families and communities to begin the post-war healing process"; it also helps them learn the skills and values they will need "for a more peaceful future."[35]

In the Kakuma refugee camp, UNHCR and the United Nations Children's Fund (UNICEF) have established early education daycare centres and preschools, as well as ten primary schools and a high school. However, these educational facilities face major funding challenges, which compromise their ability to provide refugee students with essentials such as textbooks, uniforms, and school supplies. Wright points out the reasons why education is so sparse in the Kakuma camp, and of such poor quality. To begin with, the schools in Kakuma are inadequately funded and lack parental and community support. The educational quality is low because the camp has few trained teachers, its pedagogy and curriculum content are inadequate, and the environment is not conducive to learning. Moreover, those in the camp see no prospect for higher education there (see also Wright and Plasterer, this issue). In combination, these factors greatly compromise the opportunities for education in the camp.[36] Yet looking back on the experience, one of my interviewees in Boston in 2011 emphasized the strength of the desire to learn:

> I started going to school in Kakuma … . Our classroom was under the trees, and the chairs we sat on were rocks; our books were the floor, and our pens and pencils were our index fingers. This was from the first grade until secondary school in the camp. In 1995, the UN provided us with a very few exercise books; over 10 students shared each book, taking turns. We lacked almost everything, including water to drink and food. Despite all these struggles we were very determined to have an education.[37]

While both boys and girls in the camps lack many of the essentials for learning, the girls experience gendered inequities due to family responsibilities and cultural norms. For example in 2010, Wright documents that fewer women and girls are enrolled at all levels of schooling within the Kakuma camp. Historically, when their resources were limited, Sudanese families tended to send their sons to school, not their daughters, and this privilege carried over into the refugee camp. As a younger southern Sudanese woman in Boston recalls,

> More boys were enrolled in the school in Kakuma camp because in our culture girls are traditionally expected to do more of the household duties. So we had to work inside the homes and also had to go to the distribution center to get the rations. We also had to wake up early in the morning to fetch water because water came three times a day, around 5 am, noon, and 6 pm. So, for girls to make it to school they would have to wake up at 4 in the morning so that they could be the first in the line for the water. Because of this many girls missed classes … Also, I had to skip many days of school when I had my monthly periods because we

had such poor hygiene in the camps. So, doing well at school in the camp was very hard, but we did it![38]

Many of the women I interviewed, like the one above, said their domestic labour was needed in the camp, so they did not have enough time to study and as a result could not compete equally with the "lost boys." As a result, the so-called "lost boys" of Sudan were relatively privileged over the "invisible girls" through the differences in the rights they had at Kakuma and the possibilities for education granted by local, national, and international actors. The level of education they attained in the camps determined whether or not these lost boys and girls could access and benefit from tertiary education when resettled to the United States, as I illustrate in the next section.

Tertiary (Post-Secondary) Education

The university students I interviewed in Boston in March 2011 reflected on their experiences of primary and secondary education in the Kakuma camp and emphasized that even though it was limited, the camp education provided them with a solid foundation to pursue higher education opportunities in the United States.[39]

Giles states that unlike other forms of refugee education, post-secondary education can "open new spaces that do not currently exist and that can be transformative." She further articulates that for refugees located in precarious situations such as protracted refugee sites, there is a direct relationship between higher education and voice, and that the "denial of access to higher education contributes to the creation of inequalities in people's abilities to make choices."[40] In their study of the gendered barriers to educational opportunities for resettled Sudanese refugees in Australia, Hatoss and Huijser concur with Giles in arguing that higher education creates wider access for newly resettled refugees, particularly for women, to access paid employment and enhance their independence.[41]

A gender sensitive, holistic approach to the resettlement of refugees which incorporates all levels of education, particularly higher education, would allow for the full integration and the enhancement of the well-being of newly settled refugees. In the United States, since the 2001 resettlement of the roughly 4,000 "lost boys" and fewer than 200 "lost girls," only a small number of them have managed to access post-secondary education. The United States Office of Refugee Resettlement indicated that as of 2004, approximately 20 per cent were enrolled in high school, 38 per cent were in associate degree programs, and 7 per cent were in bachelor degree programs.[42] While there is a lack of gender disaggregated statistics, Sudanese women and men experience education differently and unequally. My

research indicates that the Sudanese refugee women have gender-specific needs during the resettlement and education processes that are different from the needs of their male counterparts. These stem from limited secondary education in the camps, conflicting gender expectations and roles, and language barriers, all of which put them at an increased risk for marginalization within the larger Sudanese refugee community.

In Massachusetts, the ten southern Sudanese students who I interviewed are enrolled at various universities and colleges, specializing in majors such as nursing, conflict resolution, economics, and education.[43] They indicated that despite the "interrupted" and substandard secondary level of education that they completed at the Kakuma camp, they had been able to access and benefit from tertiary education and to adapt to their new life in the United States. The interviewed students are highly motivated to take full advantage of their acquired knowledge and skills to better themselves, organize collectively, and contribute to their community. One of the interviewed men explains:

> I am engaged in the National Lost Boys/Girls Association which works to unite the southern Sudanese and bring awareness to our issues here in the United States, as well as in Sudan. We are trying to lobby the United States government to pay more attention to the problems facing our people … Education is giving us the skills and resources to change our lives and help others.[44]

The participants' engagement in community organizations in Massachusetts has from their own perspectives strengthened their self-esteem and allowed them to develop social and political awareness. For some southern Sudanese women, in particular, higher education is enabling them to make significant contributions to their households and communities and to alter some of the oppressive gendered, social, and cultural traditions that were previously taken for granted. This is demonstrated by the testimony of a southern Sudanese woman who managed to attend high school in Boston and earn a scholarship to study at the University of Massachusetts in Boston. She has become involved with the Sudanese Education Fund, based in Arlington, Massachusetts, which helps the southern Sudanese access educational opportunities.[45] She states,

> I am a volunteer with the Sudanese Education Fund, as well as with the Southern Sudanese Youth Association of Massachusetts. I joined these organizations in order to support the Sudanese youth and create a sense of community … I am graduating this year and plan to go back home to reunite with my relatives in south Sudan and also to help alleviate the suffering of our people … We owe

it to those who are still there. I am happy to be a voice for their hopes, struggles, and dreams.[46]

In fact, in July 2007, the United States Congress passed the "Return of the Lost Boys and Lost Girls of Sudan Act," a program aimed at assisting southern Sudanese refugees with the cost of voluntarily returning and helping in the reconstruction efforts of their country. One eligibility requirement for participation is that the individual commits to returning to southern Sudan for a period of not less than three years for the purposes of contributing knowledge gained through higher education and professional experience in the United States.[47] Since the Republic of South Sudan declared its independence on July 9, 2011, ending fifty years of militarized armed conflict between northern and southern Sudan,[48] this program has gained importance in the minds and hearts of Sudanese refugees in the United States, including those I interviewed.

However, the majority of the resettled southern Sudanese refugees in the United States still encounter serious obstacles in accessing higher education, and as a result, most of these young people are not able to benefit themselves or their home country from the 2007 Return Act. The students I interviewed in Massachusetts described a range of challenges. To begin with, as noted above, the education they attained in the Kakuma camp was limited. One of the participants indicated that her high school diploma from Kakuma was devalued to the equivalent of an eighth grade education in the United States, when she applied to college. In addition, many of the participants struggled with language barriers and lack of English language competence. They all had rich oral languages and many were fluent in more than one language, but that language background was of little benefit to them when they applied to colleges in the United States, where high literacy in English was required. Many encountered discrimination and racism both within and beyond the university environment, especially as African refugees in the United States. As one interviewee put it, "We do not belong either among the white Americans or the African American communities." And yet, others faced challenges accessing scholarships in the United States.[49]

While all the participants experienced these challenges as they attempted to access secondary and/or post-secondary education in the United States, the women and girls experienced education in particular gendered and unequal ways. In the United States, the capacity of women and men to benefit from higher education is limited by a number of gender, social, cultural, and other related factors. Although as yet there is no comprehensive study of the educational pathways of southern Sudanese refugees resettled in the United States, Hatoss and Huijser, in their examination of

resettled southern Sudanese refugees in Australia document greater risk for women as they face increased cultural and linguistic obstacles.[50]

Gender intersects with other power relations such as social status, language, educational backgrounds, and trauma to impact women's access to higher education. Some of the women I interviewed in Massachusetts lack family and community support as well as child care services. They experience these barriers mainly due to their gendered responsibilities of raising their children and performing household chores as set by the cultural norms of their community, which hinder their full access to higher education. Some of the women who experienced gender-based violence suffer from post-traumatic stress disorder and need essential support services after their resettlement. As a result, fewer girls than boys manage to sustain their university education in Massachusetts. As one southern Sudanese woman told me in Boston recently,

> Even here in Boston, the majority of the southern Sudanese women are illiterate because they did not have access to education as children in south Sudan or in the camps. And, some still shy away from going to adult education programs in the United States … Also, even today, some men oppose girls' education and have a low opinion of educated girls. They worry that educated girls will be culturally changed and westernized. They fear that they will learn about women's rights and become Americanized.[51]

While there are many gendered barriers, higher education provided the women I interviewed with tangible gains such as employment, income, and some degree of access to the amenities of everyday life in the United States (e.g. cars, cellphones, etc.) which are essential for their independence. As one of the interviewees articulates, "… and until recently, even women themselves did not recognize the importance of education as a window that opens many opportunities for enhancing our lives."[52] Another woman stated that in the past, traditional gender roles were respected and valued by both women and men. Transcending these defined gender roles often resulted in conflict within the family. However, "nowadays, traditional roles are rapidly changing both within our households and in the community."[53]

Transformation through education may involve complex negotiations, confrontations, and reconfigurations of power relations within the home, extended family, community, refugee camp, and national and transnational arenas. For the southern Sudanese women I interviewed, access to education has shaken some of the social and cultural perceptions that previously shaped their lives. These shifts in gender values and relationships are documented in instances when some of the participants' husbands supported the

education of their wives by assuming some of the women's chores within their households in order to allow them to go to classes. In her study of Sudanese refugee women in Africa and the United States, Edward explains that within countries of resettlement, the renegotiation of gender roles often leads to a shift in power relations between men and women. She articulates that women often assumed greater roles outside the home; they also asserted "greater involvement in decision-making, particularly on financial issues, an area which has been the sole domain of men in the past."[54] Indeed, higher education has provided a context within which to understand and make visible the changing nature of gender values among southern Sudanese refugees. More importantly, it emboldens women to re-evaluate and challenge oppressive gender relationships of power, as well as others' perceptions of them.

To reiterate, the interview data from the resettled refugees in Massachusetts demonstrate the promises and the challenges of higher education, particularly for women. *Despite the difficulties, the southern Sudanese students I interviewed in Massachusetts* are highly motivated to learn and take full advantage of their higher educational opportunities. They have already been positively affected by their access to higher education and their exposure to new cultural norms and values. They are now using their newly acquired knowledge and skills to gain economic independence and challenge patriarchal values and structures within their households, communities, and beyond.

In conclusion, I have argued in this paper that southern Sudanese refugee women and girls experienced gendered and unequal access to education prior to their displacement from Sudan, in the Kakuma camp, and in the United States. A systemic lack of education has historically constrained the economic and social activities of southern Sudanese women and men. Meanwhile, the knowledge, skills, and capabilities that both young men and women have gained in the Kakuma refugee camp,—despite the limitations in access and quality of primary and secondary education—as well as their access to tertiary education after their resettlement to the United States, have enabled them to enhance their well-being in their own eyes and make significant contributions to their communities. The participants' testimonies describe what has been affirmed by almost all of the Dinka and Nuer women and men that I interviewed, in the camps and in resettlement situations: education is, indeed, a means for making the invisible visible and for empowering both women and the larger community.

Notes

1. Many of the southern Sudanese refugees, particularly young girls and boys, often reiterate the proverb, "Education is my mother and my father" (in Dinka, *Pioc yen e ke ama ku awa*) because they did not experience schooling in a stable family or educational setting when they were young. This mirrors similar statements made to authors such as David Chanoff, "Education Is My Mother and My Father," *American Scholar* 74, no. 4 (2005): 35–46.

2. Interview with a southern Sudanese woman, age twenty-eight, Boston, March 2011.

3. International Network on Education in Emergencies (INEE), *The Multiple Faces of Education in Conflict-affected and Fragile Contexts* (Paris: INEE UNESCO, 2010); James H. Williams, "On School Quality and Attainment," in *Learning for a Future: Refugee Education in Developing Countries,* ed. J. Crisp, T. Christopher, and D. B. Cipollone (Geneva: UNHCR, 2001), 84–108; Jaya Earnest et al., "Are Universities Responding to the Needs of Students from Refugee Backgrounds?" *Australian Journal of Education* 54, no. 2 (2010): 155–74; Laura-Ashley Wright, "The Case of Refugee Education in Kenya: An Analysis of Kakuma and Dadaab" (MSc dissertation, Wolfson College, Oxford University, 2010).

4. The Kakuma Camp was established by the UNHCR in northwestern Kenya in July 1992 to accommodate 16,000 teenage Sudanese refugees fleeing violence in southern Sudan. There were and still are significant numbers of youth (both boys and girls) heading households in the camp, and they are commonly referred to as Sudan's "lost boys" and "lost girls." Since 1992, the camp has expanded to house over 86,000 refugees, diverse populations from Sudan, as well as other African refugees from surrounding conflict zones. The camp is divided into three sections, each subdivided into various zones. The Sudanese refugees constitute 75 per cent of the overall refugee population. The majority of the southern Sudanese refugees are members of the Dinka and Nuer ethnic groups.

5. Some of the research participants took refuge in the Kakuma Refugee Camp in northwest Kenya while others were in different refugee settlements such as the Rhino Refugee Camp in northern Uganda. I asked about the impact that a protracted refugee situation has had on their lives, as well as the role that institutions such as the UNHCR and INGOs played in changing their experiences as refugees, as well as their gender roles and relationships.

6. The data-collecting tools included in-depth semi-structured interviews that aimed at exploring the prior educational experiences of participants in the camps, as well as current experiences in the United States.

7. The phrase "lost boys and invisible girls" was explored by Katarzyna Grabska in "Lost Boys, Invisible Girls: Stories of Sudanese Marriages across Borders," *Gender, Place and Culture: A Journal of Feminist Geography* 17, no. 4 (2010), doi: 10.1080/03057920701582624; Tara McKelvey, "Where Are the 'Lost Girls'?" *Slate*, October 3, 2003, accessed August 10, 2011, http://www.slate.com/id/2089225; Ishbel Matheson, "The 'Lost Girls' of Sudan," *BBC News*, 7 June, 2002, accessed August 10, 2011, http://news.bbc.co.uk/1/hi/world/africa/2031286.stm.

8. The label "lost boys and girls" is contested because many of the southern Sudanese refugees are now adults in their twenties and thirties. Moreover, the so-called lost boys and girls affirm that they were never "lost" but instead were compelled to leave their homeland in south Sudan due to the armed conflicts in the 1980s and to become refugees in Ethiopia, Kenya, and now the United States and Canada, as well European countries.

9. Josephine Beoku-Betts, "Contested Representations: Western Perceptions of African Women in the 19th and Early 20th Centuries," in *Readings in Gender in Africa*, ed. A. Cornwall (Bloomington: Indiana University Press, 2005); Josephine Beoku-Betts, Marianne Bloch, and Robert Tabachnick, *Women and Education in Sub-Saharan Africa: Power, Opportunities, and Constraints* (Boulder: Lynne Rienner Publishers, 1998); *Caroline Moser and Linda Peake, "Seeing the Invisible: Women, Gender and Urban Development"* (Major Report No. 30, Centre for Urban and Community Studies, University of Toronto, Toronto, 1995).

10. "Bridewealth" is a payment by the groom's family to finalize the marriage alliance between the two families.

11. Grabska, "Lost Boys," 481.

12. Refugees are often regarded as being in a protracted situation when they have lived in exile for more than five years, and when they have no immediate prospect of finding a durable solution to their plight by means of voluntary repatriation to their home country, local integration in the host country, or resettlement to the West.

13. Amani El Jack, "Gendered Implications: Development-Induced Displacement in the Sudan," in *Development's Displacements: Ecologies, Economies and Cultures at Risk,* ed. P. Vandergeest, P. Idahosa, and P. Bose (Vancouver: University of British Columbia Press, 2007); Amani El Jack, *Gender and Armed Conflict: Overview Report* (Brighton: Institute of Development Studies, University of Sussex, 2003).

14. El Jack, "Gendered Implications," 62.

15. Interview with southern Sudanese woman, age twenty-two, Boston, March 2011.

16. The "lost boys" label was introduced in Kakuma refugee camp, and has been used to describe the Sudanese refugee youth who resettled to the United States. Humanitarian workers made connections between the Sudanese young men's experiences of flight and of those in the novel *Peter Pan*, in which the young boys became separated from their caretakers and ended up travelling together as a group, in an effort to protect themselves from the hostilities of adult life. Grabska describes that in the 1980s, prior to becoming refugees in Kenya, the lost boys had been forcibly recruited by the Sudanese People's Liberation Army and were

mobilized in military training camps in Ethiopia; Grabska, "Lost Boys,"481.

17. Tara McKelvey, "Where Are the'Lost Girls'?"

18. Interview with a southern Sudanese woman, age twenty-five, Boston, March 2011.

19. Jeff Crisp, *Protracted Refugee Situations: Some Frequently Asked Questions* (Geneva: UNCHR, Evaluation and Policy Analysis Unit, 2003), 6.

20. Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: University of Minnesota Press, 2000), 190.

21. Crisp, *Protracted Refugee Situations*, 6.

22. Wenona Giles, "Class, Livelihood and Refugee Workers in Iran," in *Mobility, Mobilization, Migration: Class and Contention in a World in Motion,* ed. P. Barber and W. Lem (Oxford: Berghahn Press, 2010).

23. UNHCR, *2005 Global Refugee Trends* (Geneva: UNHCR, 2006), 3.

24. Anne Harris, "I Ain't No Girl: Representation and Reconstruction of the 'Found Girls' of Sudan," *Race/Ethnicity: Multidisciplinary Global Contexts*, 4, no. 1 (Autumn 2010): 41–63; Tara McKelvey, "Where Are the 'Lost Girls'?"; Laura DeLuca, "Lost Girls of Sudan," *Women Media Center,* 15 February 2008, accessed August 10, 2011, http://womensmediacenter.com/blog/2008/02/wmc-exclusive-lost-girls-of-sudan-by-laura-deluca/; Matheson, "The 'Lost Girls' of Sudan."

25. Interview with southern Sudanese woman, age twenty-eight, Boston, March, 2011.

26. Amina Mama, *Beyond the Masks: Race, Gender, and Subjectivity* (New York: Routledge, 1995).

27. Government of South Sudan (GoSS), *2010 Annual Education Census Manual* (Juba: GoSS, forthcoming); GoSS, *Education Statistics for Southern Sudan 2009, National Statistical Booklets, 2010* (Juba: GoSS, 2009, 2010).

28. Girls' education was initiated in Sudan in 1907 by Babikr Badri, a Sudanese national who established the first informal school for his daughters and nieces in his house. Then, in 1921, the British administration opened five schools for girls in the north followed by the Girls' Training College for Teachers in Omdurman. In the south, missionaries established the first girls' school in 1930. In 1974, the first secondary school was established for southern girls. The first university in the south, Juba University, was also opened in 1974.

29. Haja Kashif Badri, *Women's Movement in the Sudan* (New Delhi: Asia News Agency Publications, 1986).

30. Ibid., 21.

31. Daniel Chanoff, "Education Is My Mother and My Father," 35–46.

32. Badri, *Women's Movement*, 21.

33. Stephanie Beswick, "History of Dinka," *Northeast African Studies* 8, no. 2 (2001): 35–62.

34. Interview with a southern Sudanese man, age twenty-five, Boston, March 2011.

35. Jeff Crisp and Christopher Talbot, *Learning for a Future: Refugee Education in Developing Countries* (Geneva: UNHCR, 2001), 2.

36. Wright, "The Case of Refugee Education," 44–47.

37. Interview with a southern Sudanese woman, age twenty-eight, Boston, March 2011.

38. Interview with a southern Sudanese woman, age twenty-two, Boston, March 2011.

39. By tertiary education, this paper focuses on higher education, particularly post-secondary education, and skills training programs.

40. Wenona Giles, "Higher Education and Its Relationship to Precarious Lives and Rights in Refugee Camps: The Borderless Higher Education in Refugee Camps (BHER) Initiative" (presentation, IASFM Conference, Kampala, Uganda, July 4, 2011).

41. Anikó Hatoss and Henk Huijser, "Gendered Barriers to Educational Opportunities: Resettlement of Sudanese Refugees in Australia," Forced Migration Special Issue, *Gender and Education* 22, no. 2 (2010).

42. Andy Reyes, "The Learning Experiences of Southern Sudanese Refugees in Community College in the United States" (Qualifying Paper, University of Massachusetts Boston, February 18, 2011).

43. The interviewees whose statements are incorporated in this paper are currently enrolled (both at the undergraduate and graduate levels) at universities such as the University of Massachusetts Boston, Boston University, and Brandeis; in community colleges such as Bunker Hill and Roxbury; and in other institutions of higher learning such as the Massachusetts College of Art.

44. Interview with southern Sudanese man, age thirty-eight, Boston, March 2011.

45. The Sudanese Education Fund is a non-profit organization whose mission is to advance the Massachusetts Southern Sudanese community in education, employment, and financial stability. It provides selected members of the community with grants for tuition and books, as well as computers.

46. Interview with southern Sudanese woman, age twenty-six, Boston, March 2011.

47. Andy Reyes, "The Learning Experiences of Southern Sudanese Refugees in Community College in the United States," 8.

48. The Comprehensive Peace Agreement signed on January 9, 2005, established guidelines for a popular referendum that was held in January 2011 to determine the future of southern Sudan. As a result of the referendum vote, southern Sudan declared its independence in July 2011.

49. Andy Reyes, "The Learning Experiences of Southern Sudanese Refugees in Community College in the United States," 8.

50. Hatoss and Huijser, "Gendered Barriers to Educational Opportunities."

51. Interview with a southern Sudanese woman, age twenty-four, Boston, March 2011.
52. Interview with a southern Sudanese woman, age twenty-six, Boston, March 2011.
53. Interview with a southern Sudanese woman, age twenty-four, Boston, March 2011.
54. Interview with a southern Sudanese woman, age twenty-six, Boston, March 2011.

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"Knowledge in the Service of the Cause": Education and the Sahrawi Struggle for Self-Determination

RANDA FARAH

Abstract

This article examines the education strategy of the Sahrawi Arab Democratic Republic (SADR), the state-in-exile with partial sovereignty on "borrowed territory" in Algeria. The article, which opens with a historical glance at the conflict, argues that SADR's education program not only succeeded in fostering self-reliance by developing skilled human resources, but was forward looking, using education as a vehicle to instill "new traditions of citizenship" and a new imagined national community, in preparation for future repatriation. In managing refugee camps as provinces of a state, the boundaries between the "refugee" as status and the "citizen" as a political identity were blurred. However, the stalled decolonization process and prolonged exile produced new challenges and consequences. Rather than using the skilled human resources in an independent state of Western Sahara, the state-in-limbo forced SADR and the refugees to adapt to a deadlocked conflict, but not necessarily with negative outcomes to the national project.

Résumé

Cet article examine la stratégie pour l'éducation de la République arabe sahraouie démocratique (RASD), l'État en exil ayant une souveraineté partielle sur du « territoire emprunté » à l'Algérie. L'article, qui débute par un survol historique du conflit, avance que le programme d'éducation de la RASD non seulement a réussi à favoriser l'autonomie en assurant la formation d'une main-d'œuvre qualifiée, mais a aussi, grâce à une vision orientée vers l'avenir, utilisé l'éducation pour instaurer de « nouvelles traditions de citoyenneté » et la notion d'une communauté nationale renouvelée, en vue d'un futur rapatriement. Par sa gestion de camps de réfugiés comme des provinces d'un État, les limites entre le statut de « réfugié » et l'identité politique du « citoyen » ont été estompées. Toutefois, le processus de décolonisation arrêté et l'exil prolongé ont suscité de nouveaux défis et diverses conséquences. Plutôt que d'utiliser les ressources humaines qualifiées dans un État indépendant du Sahara occidental, l'entre-deux a forcé la RASD et les réfugiés à s'adapter en raison d'un conflit arrivé à une impasse, mais qui n'a pas nécessairement eu des répercussions négatives sur le projet national.

The prolonged and unresolved conflict in Western Sahara from 1975 to 1991 left thousands of Sahrawi refugees in a barren desert, with little resources and few supporters in the region. Remarkably, however, this did not hinder them from establishing the institutions of a nation-state-in-exile, which they called the Sahrawi Arab Democratic Republic (SADR). Education has played a critical role in building the new polity and society, which is the main focus of this article.

The first and second sections provide a brief historical sketch, while the third and fourth deal specifically with education, its history, and its key role in building human resources, new "traditions of citizenship,"[1] and national identity. The last two sections address the changing environment that followed the ceasefire in 1991, including the Intifada (uprising) in the Moroccan-occupied territories, and the effects these had on SADR and the educated generations. This article argues that SADR's education strategy succeeded in producing skilled professionals and in infusing education with a nationalist purpose: educated refugees could better serve the causes of liberation and nation building. However, there were unavoidable impediments, not least the dire conditions of exile, which stymied the development of educational institutions in the camps beyond the elementary levels, forcing SADR to outsource education. More crucially,

the education strategy did not take into account the possibility of a protracted exile and political stalemate. Thus, new generations of educated youth returned to the camps unable to fight at the battle front, or to use their skills as citizens engaged in building an independent Western Sahara. Instead, for many refugees, education became a means to improve their socio-economic status and to obtain paid employment outside the camps. However, these changes did not threaten the national project, or indicate that refugees abandoned their aspirations for liberation and return.

Most of the information in this article is based on field research in the Sahrawi camps and Spain beginning in 2003. During my visits, which occurred during holidays and a sabbatical leave in 2007, I stayed for different periods of time with families in all the camps, as well as in Rabouni. The methodology included participant-observation, life-histories, interviews, archival research, and a visit to the liberated areas of Western Sahara.

Historical Background

Western Sahara, the last African colony, is listed by the United Nations as a Non-Self-Governing Territory.[2] It lies in the northwest corner of the African continent and is bordered by Morocco, Algeria, and Mauritania. Its inhabitants speak a dialect of Arabic known as Hassaniyya and, until the middle of the twentieth century, they relied mainly on pastoral-nomadism, seasonal cultivation, trade, and some fishing. Day-to-day activities revolved around the *freeg,* or Bedouin camp, a small socio-economic unit that provided for the basic needs of its members: shelter, food, education, health (traditional medicine).[3] Boundaries and political identities were redrawn when the Territory became "Spanish Sahara" at the Berlin Conference in 1884–85. It remained a Spanish colony until February 1976.

Hodges traces the genesis of contemporary Sahrawi national consciousness to the latter half of the twentieth century. Building on a long history of struggle against colonial incursions, and inspired by the national liberation movements that swept the colonial world, a number of Sahrawi revolutionaries met clandestinely on the 10 May 1973 and held their first Congress to establish the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (known as the Polisario Front).[4] The Front rapidly harnessed large-scale support among the indigenous population around its strategic objective of national liberation and independence. The Polisario aimed to create a *new* polity and not recreate a pre-colonial society; thus it rejected all forms of kinship loyalty and caste status, and it called for the fair distribution of resources and a commitment to women's emancipation.[5]

In 1974, Spain, still ruled by the ailing dictator Francisco Franco, signaled that its withdrawal from Spanish Sahara was imminent and agreed to the principle of self-determination as the United Nations had been demanding. The following year, a UN Mission of Inquiry visited the Territory between 12 and 19 May, and reported back to the UN that the indigenous population overwhelmingly supported the Polisario and called for independence. The Mission "found almost no Saharawis [sic] who favored joining Morocco."[6] Thus, the Sahrawis thought they were on the verge of celebrating their freedom and would soon be voting on their political future. However, both Morocco and Mauritania made claims of historic pre-colonial sovereignty over the Territory and, through the United Nations, requested that the International Court of Justice (ICJ) provide an Advisory Opinion on the matter. On 16 October 1975, the ICJ unequivocally concluded it had "not found legal ties of such a nature as might affect the application of General Assembly Resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."[7]

Defiantly, King Hassan II of Morocco dismissed the ICJ's Advisory Opinion and provoked a crisis when, on 6 November 1975, he rallied some 350,000 Moroccan volunteers for a "Green March" to converge on the Territory. Thousands of unarmed Moroccan civilians carrying Korans and banners, choreographed for dramatic effect, gathered in Tarfaya, a southwest Moroccan border town.[8] The Green March, however, was a smokescreen; a week earlier on 31 October, units from the Moroccan Royal Armed Forces had quietly moved into the Territory from the northeast to occupy posts evacuated by the Spanish troops.[9]

According to Mundy, the crisis in October and November of that year meant that Madrid abandoned Western (Spanish) Sahara without holding the referendum[10] and without resisting the military invasion. Instead, on 14 November 1975 Spain surreptitiously negotiated the Madrid Accords, which partitioned administrative control of the Territory between Morocco and Mauritania.[11] The Accords were not recognized by the United Nations as granting either Morocco or Mauritania sovereignty rights over Western Sahara.[12] On 27 February 1976, a day after Spanish withdrawal, a Provisional Sahrawi National Council formed by the Polisario declared the birth of the Sahrawi Arab Democratic Republic (SADR) in Bir Lehlu, a small town in an area reclaimed by the Sahrawi Popular Liberation Army (SPLA) during the war.[13]

The Moroccan and Mauritanian invasion led to an armed conflict with the Polisario, which lasted for sixteen years, until 1991. By the end of the war, Morocco occupied most

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of Western Sahara, including the area rich in phosphate, minerals, and potential deposits of oil and gas; the major towns; and the vibrant fishing industry of the Atlantic coast. Mauritania, the weaker of the two occupying countries, renounced its claims in Western Sahara in 1979, but Morocco extended its control to the areas previously occupied by Mauritania. The Polisario fighters were able to keep about a fifth of the Territory.

In 1988 Morocco formally signed the Settlement Plan brokered by the United Nations and the Organization of African Unity (African Union). Thus, a ceasefire came into effect in 1991 and a UN force, the United Nations Mission for the Referendum in Western Sahara (known as MINURSO, the acronym formed from its name in French), was established to oversee the repatriation of Sahrawi refugees who were to vote in a referendum on their political future.[14] The referendum was scheduled for 1992, only to be postponed several times, (including 1992, 1996, 1998 and 2000) and, today, Morocco adamantly refuses to recognize any referendum that includes the option of independence, still claiming Western Sahara falls under its sovereignty.[15] The Western Sahara conflict glaringly attests to the subjection of international law to the will of powerful states, even though as Smith observed the right of self-determination for colonized peoples, a legal norm binding on all states to support, is now "something *sui generis*, with Palestine and Western Sahara being the last, and egregiously stalled, examples."[16]

The interests of powerful states illuminate the underlying causes of the unresolved conflict.[17] Countries like Spain and France have thriving economic transactions in Morocco, not to mention the co-operation in the domains of migration and security. Importantly, Morocco is one of the oldest and staunchest allies of the US in the region, and more so today in its "war against terror."

In recent years, the conflict in Western Sahara, which the UN recognized as a colonized territory, and its inhabitants as deserving self-determination, has been recast as a conflict in which both parties are presumed to have equally legitimate negotiable claims.[18] For example, Christopher Ross, the current UN envoy to Western Sahara, has been espousing "negotiations without preconditions." This strategy has left on the negotiating table two irreconcilable stances: Morocco's sovereignty claims and the Polisario's position that the right to self-determination, including the option of independence, is a non-negotiable principle. The conflict thus remains deadlocked.

Building the Institutions of a Nation-State in Refugee Camps

When the war broke out, Sahrawis initially sought safety within Western Sahara in makeshift camps, but these were vulnerable to military attacks. In Umm Dreiga, for example, the Moroccan Royal Air Force hurled napalm from the skies on the civilians gathered there for safety, causing hundreds of deaths and mutilations by burning white phosphorous.[19] Sahrawis were thus compelled to cross the border into Algeria. The destination was the area around Tindouf, a small Algerian town that was a safe haven for refugees and guerrilla fighters.

The number of Sahrawi refugees by the end of 1975 is estimated to have been between 40,000 and 70,000.[20] By the end of the war approximately 40 per cent of the population of Western Sahara had become refugees. Today, the Sahrawi refugees in the camps are estimated at close to 170,000 people; the rest of the population is distributed in the areas of Western Sahara under Moroccan occupation, Mauritania, the Canary Islands, Morocco (mostly in Tarfaya in the south of Morocco), and European countries, mainly Spain. SPLA soldiers are stationed in the liberated area of Western Sahara, along with a few Bedouin families and people in transit.[21]

Four major camps emerged near Tindouf, and a smaller fifth camp developed around a skills-training centre for women. Four of the camps are quite close to Tindouf, the distance ranging from 20 to 35 kilometres. Al-Dakhla camp is the furthest, around 140 kilometres southwest of Rabouni, the site for SADR's political and administrative operations, itself about 30 kilometres southeast of Tindouf. However, the camps are not a fertile sanctuary, but are located in a stretch of unforgiving arid desert known as Lehmada, where temperatures hover around 50 degrees Celsius in the summer, and it becomes bitterly cold during winter nights. Howling winds and sandstorms arrive unpredictably, whipping at tents and mud-brick shelters, causing material damage and health problems. As if this were not enough, in some years, heavy torrential rains turn the camps into disaster areas, dissolving the flimsy mud-brick structures and knocking down the tent poles.

International humanitarian aid on a large scale did not begin until 1977 and refugees struggled to survive the harsh environment with scant resources.[22] Since most men were fighting with the SPLA, women carried the burden of coping with domestic tasks as well as administering programs in the camps. With no electricity and without sufficient food, medicine, or water, diseases and malnourishment were widespread.[23]

Despite the harsh environment and scant resources, SADR wasted no time building for the future in Western Sahara, envisioned as a polity radically distinct from the tribal society and ideology of the past. In these camps, the national leadership fostered self-management and modern conceptions of the nation-state, including equal citizenship.[24]

National belonging was promoted, while tribal allegiances were seen as fetters to progress and development.

A constitution was drafted as early as 1976, and it declared that SADR's temporary base was in the refugee camps situated in Algerian territory ceded to it by the Algerian state and in the liberated areas of Western Sahara. SADR established ministries, government departments, security and police, and an army, the SPLA. It named the camps and the administrative subdivisions within them after towns and areas in Western Sahara. For example, al-Ayoun, the capital of Western Sahara, is further divided into al-Dshayra, al-Doura, al-Hagouniyyeh, Guelta, Bucraa, and Amgala. Similar divisions apply to the camps of Smara, a historical city in Western Sahara; Dakhla, a seaport; and Auserd, an interior town.

Mirroring the administrative units of sovereign nation-states,[25] the camps are treated as provinces or *wilayaat* (*wilaya* in the singular), each with its own governor or *wali.* These are subdivided into six or seven districts or *dawa'er* (*da'ira*, singular) and *ahyia'* (*hayy*, singular), that is, neighbourhoods or municipalities. A museum housing artefacts attesting to a nomadic history and traditions crowns SADR's public display as a nation-state.

Each *wilaya* has an informal market and a number of public buildings, including a hospital, local health clinics, six or seven elementary schools, and preschool facilities. During the war, almost every refugee was active in one committee or another at local, regional, and national levels. Local committees oversee matters relating to education, health, food (distribution), justice, and production/artisan projects. At the national level, there are two boarding secondary schools named 12 October and 9 June, while 27 February[26] is the name of a women's skills-training centre (and of the camp that developed near it). The centre, initially restricted to married women, offered housing and daycare facilities to enable women to live with their families while studying. In time, many families settled nearby, forming the nucleus of what became the 27 February camp. There are also national unions for women, workers, and youth. The administrative terms such as *wilaya* (instead of camp) are used in everyday conversations and in official statements and documents. Describing the early years in the *wilayaat*, Aminatu, a woman in her mid-fifties, recalled:

> There were campaigns of all kinds. I belonged to the health committee … Our job was to check the standards of cleanliness in the tents … Then there was the Education committee. Women would go around the tents, to make sure that the children were doing their homework … Every woman was organized in a committee.[27]

SADR does not have a formal economy, or the finances to dispense salaries or wages; those who staff the various positions are usually Sahrawi volunteers. Although the growth of informal markets and the flow of remittances into the camps over the past two decades has helped sustain the livelihoods of many refugee households, Algerian support and international aid remain critical and in fact lacking in the areas of nutrition, health, and education.

In addition to Algeria, aid now comes from various sources, including the European Commission Humanitarian Aid and Civil Protection (ECHO), the World Food Programme (WFP), and the United Nations High Commissioner for Refugees (UNHCR). Education has been subsidized and/or scholarships offered by Algeria, Cuba, Syria, Libya (in the case of Libya, the number of students and scholarships has dwindled since the mid-1980s), and more recently Venezuela. In addition, some Sahrawi students receive scholarships to support their education from non-profit organizations, especially at the university level. Such odd scholarships were granted by organizations in Spain, Italy, Germany, Russia, Poland, Czech Republic, Bulgaria, Hungary, and France.[28]

However, the relationship between Sahrawi refugees and international humanitarian organizations is distinguished from classical models, where refugees are treated as powerless "beneficiaries." In the Sahrawi case, SADR acts as a buffer zone or checkpoint: it requires all representatives of such organizations to "check in" with the relevant Ministry or Department and obtain formal approval for projects and aid designated for Sahrawi refugees. In addition, food or other aid items are distributed by local Sahrawi refugee committees according to Sahrawi guidelines. Self-management is also buttressed by Algeria, which refrains from intervening within SADR's areas of jurisdiction. SADR issues its own passports, which are politically significant, although practically useless beyond Algeria and a few other countries.

Although the conditions of dispersal resulted in diverse contexts and experiences, for example, between the refugees in camps and those under Moroccan occupation, the Polisario/SADR is a central unifying political framework, notwithstanding defectors and those who support Morocco's autonomy plan. For example, in November 2003, *al-Sahra' al Hurra* (The Free Sahara) the main Sahrawi monthly publication, included many letters of solidarity and support: from "political prisoners in Moroccan prisons," from "Sahrawi women in the occupied towns of Western Sahara," from the "Sahrawi youth and students in the occupied territories," and from "male and female activists in the occupied territories and south of Morocco," saluting the Polisario's eleventh General Popular Congress held

in Tifariti in the liberated zone of Western Sahara, attesting to the influence of SADR beyond the camps.[29]

The *wilayaat* are not bounded or isolated; in addition to the vibrant Tindouf airport which brings visitors, relatives, and officials, refugees travel back and forth within and outside the *wilayaat* to the liberated strip of Western Sahara,[30] Mauritania, Canary Islands, Spain, and other countries, enabling connections and relationships beyond the boundaries of camps.

Building an Educational System in the Desert Camps

"University Students: Knowledge in the Service of the Cause,"[31] the title of a two-page article in *al-Sahra' al-Hurra,* summarizes SADR's perspective on education. Indeed, education occupies a substantial part of *Barnamej al Amal al Watani* (the Program of National Action), the implementation of which initiated fundamental changes, so that many functions in areas such as education, health, and shelter, previously the responsibility of the *freeg*, were passed on to SADR.

SADR, perceiving education as necessary to build the modern society, declared education mandatory for males and females at the elementary, preparatory, and secondary levels.[32]. The short- and long-term objectives are aimed at developing human resources to encourage self-reliance in the present and future, to foster national belonging, and to instill the idea of citizenship as the bases of the new polity. With similar expressions to those I had heard in Palestinian refugee camps,[33] education was viewed as the means to redeem families from poverty and the nation from occupation. The former has gained more value since the ceasefire in the early nineties, while the latter took precedence during the war (1975–1991).

Historically, education was achieved through an oral tradition transmitted through stories, poetry, and everyday conversations about history, religion, and cultural values. Children also could acquire what Sahrawis call a "traditional education," usually from an elderly man in the *freeg* who had mastered the Arabic language (reading, grammar, poetry) and the Koran.[34]

Under Spanish colonialism, few Sahrawis enrolled in schools,[35] which were built mostly to cater to Spanish settlers, whose number increased in the 1960s when the discovery of phosphate led to a booming industry. As late as 1975 over 95 per cent of the population was illiterate. The language of instruction in the colonial schools was Spanish, and the curriculum was void of anything relating to Sahrawi society, so some Sahrawis attended *al-katateeb* (informal circles of learning) at mosques where they could acquire basic knowledge in their language and religion.

In 1975, the educational and literacy levels were dismal: there were only two teachers who had acquired their education in Spain, about a dozen trained in the colony for three months, one doctor, two male nurses, and thirty-five university undergraduates.[36] Thus, SADR had few options. In the first stage, roughly between 1976 and 1979, the priority was to launch adult literacy campaigns to teach Arabic, the mother tongue of Sahrawis (not taught in the colonial schools) and to train Sahrawi teachers. This was made possible by Algeria, which offered to provide short teacher-training courses in 1976. SADR also sent children to countries willing to subsidize their education, which in the first few years included education at the elementary levels. Algeria became the primary sponsor, but there were others, including Libya, Syria, and Cuba, and a smaller number of students went elsewhere. Parents were at first reluctant to part with their children; however, education free of costs, assurances of protection and guidance by SADR, and the framing of education as necessary for the national struggle eventually convinced them that the sacrifice of separation would reap future benefits. Al-Salka, a mother of five living in al-Ayoun (*wilaya*), remembered:

> I was very young when they sent us to Libya, maybe I was in grade 2 … I cried a lot … With time, things got easier and I got used to it … We used to come back in the summer, once a year. But education was more important for us.[37]

In the second stage, between 1976 and 1986, a relatively effective education system took shape, and a national committee was mandated to develop a Sahrawi curriculum. SADR's Ministry of Education declared Arabic as the official language, with Spanish as the second, understandably so, considering the century-long Spanish rule in Western Sahara. Moreover, declaring Spanish as a second language advanced SADR's view that Western Sahara had a *distinctive history*, different from that of either Morocco or Mauritania, where French colonialism had left its traces on the language.

As trained teachers began to return to the camps, the three national schools were built, namely, the two secondary schools (9 June and 12 October) and the women's training centre. The reference to "national" indicates that these educational institutions are accessible to the national body, or to students from all the *wilayaat*, and not restricted to a particular camp or *wilaya*. During this period, the number of elementary schools, preschool facilities, and nurseries in the *wilayaat* and *dawa'er* increased.

However, two secondary schools have limited capacity; therefore, SADR took the decision to send the vast majority of students to complete their secondary and/or tertiary

education in other countries, a practice that continues to this day. In the meantime, adult literacy campaigns were developed and became the responsibility of students who completed the preparatory and secondary levels and returned to the *wilayaat* for their summer holidays. The reasons behind involving the youth in the literacy programs were detailed in the Program of National Action, and expressed SADR's nationalist ideology; these included fostering self-reliance, granting the youth a role in raising consciousness in society, and promoting national identity. Thus, by the middle of the 1980s, almost all Sahrawi children living within SADR's sovereign territory were attending preschool or elementary schools in their *wilayaat* and *dawa'er*.

By the third stage, roughly starting in the mid 1980s, graduates began to return to the camps to volunteer their knowledge and skills in the various political and social institutions. They contributed significantly to the principle of self-reliance espoused by the Polisario, replacing many international practitioners and professionals. Until the ceasefire came into effect in 1991, some graduates joined the SPLA and fought some of the last battles in the war with Morocco. However, as we shall see later, the ceasefire presented challenges for both SADR and the graduates.

In hindsight, it is evident that SADR and the refugees made qualitative leaps in the field of education. However, these achievements are relative and a number of problems persist, most of them resulting from the dire conditions in the camps and the protracted exile. In the camps, the obvious obstacles to education are related to the climate, poverty, and lack of teaching resources. The desert heat, sand, and strong winds, not to mention the absence of electricity, make it difficult to teach or to learn. There are always shortages of books, which students often have to share, as they do desks in crowded classrooms. Schools lack basic facilities, such as libraries, computers, labs, and playgrounds.

Other problems pertain to the outsourcing of education, that is, when students in grade six or seven have to leave the camps to study elsewhere, where they often are confronted with new curricula, academic standards, and language of instruction. For example, in Algeria, the academic standards are higher, and French is the second language taught in schools, so many Sahrawi students fail the language subject and anything else taught in French. Describing some of the problems, Bueta, a teacher for some years in SADR's elementary schools, observed:

> Most (teachers) do not have the necessary skills … and are themselves graduates maybe of only grade nine … also … here students begin studying Spanish from grade three to six, then they are sent to Algeria, where the program is mainly French … For example,

> I studied … in Libya where … they taught us some English. Then we were sent to Algeria, there it was French, which we did not know.[38]

However, in Arab countries, students find it easier to adapt than in Cuba, as they share language and religion (Islam) with the host society. In Cuba, where thousands of Sahrawis have been educated, the problems are different and are mainly about adapting to a different cultural environment and being unable to afford travel costs to return to the camps during summer holidays. Therefore, students have to adjust when they first arrive in Cuba, and upon their return to the camps following a long absence.[39] The situation for Sahrawi students, who were poor to begin with, was exacerbated when the Soviet Union collapsed, resulting in austerity measures and economic hardships for Sahrawis and Cubans in general.

Despite the difficulties, SADR's successes in the area of education are exceptional: the illiteracy rate prior to 1975 was over 95 per cent, whereas today over 95 per cent are literate, advancing the cause of self-reliance. There are thousands of Sahrawi graduates today with diverse skills and professions, including doctors, nurses, engineers, teachers, social scientists, geologists, etc. In addition, SADR's education program played a fundamental role in consolidating national belonging and the new "traditions of citizenship."

Education, Citizenship, and National Belonging

SADR's Program of National Action expressed its ideology and social philosophy for the new imagined community. This is how Abdati, a Sahrawi in his late forties, explained the changes:

> The new basis of association was belonging to Western Sahara … The *freeg* acquired a political and national definition encouraged by the efforts of the Polisario to raise a new national consciousness and ways of relating to society.[40]

Administrative divisions, institutions and institutional laws and regulations, registration procedures and passports, the demarcation of public spaces, national celebrations and commemorations, etc. rendered concrete an abstract concept of citizenship in daily life. In time, Sahrawi refugees could imagine what their rights and responsibilities would be like upon repatriation, and they yearned for an independent nation-state or *dawlah mustaqellah*. The everyday interactions among Sahrawis in the *wilayaat* and between the citizens and the state, which Sharma and Gupta describe as the mundane everyday activities and routines,[41] generated what Khatri Addu, the governor of Smara, dubbed "new traditions of citizenship," which are:

Something concrete practiced in the field; citizenship is in the way a person's life is organized, so they (Sahrawi refugees) deal with activities and concerns within the framework of well-known and specific administrative ways. For example, education: a child goes to school at a certain age … there are rules, directives and systems … We are citizens who are born in Algerian territory, but we are independent of the Algerian administrative institutions. We have our own institutions, we are a distinctive state.[42]

In the sphere of education, the modernist vision is reflected in school textbooks, discipline, daily schedules, and standards for failure or success, representing a radical departure from the *katateeb* and the oral tradition. Moreover, the Sahrawi Ministry of Education introduced a number of textbooks, which represent the embryo of the written national history and new ways of remembering and forgetting. As Edward Said rightly observed, "what one remembers of the past and how one remembers it … determines how one sees the future."[43] The school textbooks encourage loyalty to the nation; praise the revolution, its martyrs, and heroes; and suppress the memory of tribes and especially old tribal feuds. One such text assigned to grade six exposes students to their history as one of anti-colonial struggle. The book concludes with lessons learned, such as the lesson that Sahrawis must rely on themselves, and quotes a Koranic verse that says, "God helps those who help themselves."[44] The grade six history book interestingly uses two non-Sahrawi sources and importantly does not refer to tribes.

The processes entrenching Sahrawi citizenship have blurred the boundaries between the "refugee" and the "citizen." More specifically, the Sahrawi practices of citizenship constantly dislodge the "refugee" status, especially because dependency on humanitarian aid is contingent on SADR's mediation. It is perhaps more appropriate to talk of the citizen-refugees and not the refugee-citizens. Deferring the category "refugee" signals the intentional precedence of citizenship and political identity by Sahrawis over the "refugee" in their lives. Thus, despite their marginality, in their "zones of unpredictability"—to adapt the phrase from Tsing's work—Sahrawis rearticulate, enliven, and rearrange the social, legal, and political categories that peripheralize their existence.[45] The consequences of implementing the Sahrawi national project at the very least have rendered it difficult to conceptualize the citizen and the refugee as binary opposites.

Gramsci's notion that the state rules not only by coercion, but also by harnessing consent in civil society, including educational institutions,[46] applies in the Sahrawi case, but with some qualifications. First and foremost, SADR does not have the institutional power of sovereign states, but has an ambiguous status: it is a state-in-the-making awaiting transportation to national territory, and remains trapped in the national liberation stage. Thus, SADR's existence, aims, and practices, as reflected in its education strategy, programs, and curriculum, all imbued with the ideals of national liberation and sacrifice for the collective cause, challenge or are "counter-hegemonic" to Moroccan domination and its rejection of the Sahrawi right to self-determination.

Secondly, education at higher levels is outsourced and SADR does not control the curriculum in other countries. Nonetheless, students abroad do not fall completely outside its purview. SADR sends adult "guides" or *mushrifeen* to accompany each group of students for the duration of their studies (this does not apply to students enrolled in universities). The *mushrifeen* stand for parent, academic coach, and political activist, ensuring students respect the laws and regulations of the host state and those of SADR. They meet with students regularly, and with varying degrees of success teach them the Hassaniyya dialect, Islam, and the history of the Sahrawi struggle, including SADR's Program of National Action. Al-Mamoun, in his mid-thirties, explained the role of the *mushrifeen* when he was in school in Libya:

> We as Sahrawi had our own local committees and learning circles where we studied … the Program of National Action, we learned these principles … such as sacrifice, revolutionary work, our history, traditions … etc. Thus, we were always attached to our identity.[47]

Notwithstanding what the *mushrifeen* and students actually did or how they behaved, the idea that they should act properly because they are representatives of the whole (the nation) was deeply engrained.[48]

Upon graduation most students return to the camps. During the war period, their paramount purpose was to volunteer in SADR's programs or to join the fighters at the front. They did not regard education as a private investment, rather, as a tool to serve the collective endeavour. In the years following the ceasefire, however, the balance tilted the other way, whereby individuals sought education as an asset or cultural capital to facilitate upward social mobility. Exemplifying the spirit that dominated during the war period, Aminatu, a Sahrawi woman I met in 2005 in Madrid, explained:

> While in Russia [where she studied], I did not speak the Hassaniyya dialect … When I returned to the camps [in the late 1980s] it was … shocking having lived some eleven years away … However, my difficulty had more to do with the misery that I saw around me, the suffering of my family and the Sahrawi refugees.

This reinforced my political beliefs and my Sahrawi identity … I re-learned Hassaniyya.[49]

Upon first returning, peers maintain their close friendships, but they quickly discover they are being "re-socialized" into "Sahrawi ways," a process involving "shedding" what are viewed as acquired customs and mannerisms. Returnees are expected to relearn Hassaniyya, to marry a Sahrawi, to wear the *melhafa* (a cloth wrapped around the body) if female, to respect elders, and a host of other customs considered specifically Sahrawi. The "Cubanos"—as those who study in Cuba are sometimes called—are considered the most in need of such resocialization.[50] But the open spatial arrangements in the camps where people constantly "drop in" to visit different Khaimas (tents/families) and dynamic daily interactions are conducive to attune returnees to the rhythm and fabric of camp life, and at least help them to publicly avoid transgressing sensibilities. Over time, the networks of peers entwine with others, a process which constantly injects new ideas and ways of being, enriching cultural reproduction and changing debates as to what constitutes "Sahrawi culture."

However, neither SADR nor the graduates had expected their exile to turn into a lethargic hiatus and prolonged state of exile. During one of my early visits, I met a Sahrawi man in his late thirties who had graduated as a captain for merchant vessels. I found this a bit odd when all around us was a sea of sand rather than water. When I inquired into his choice, he noted that he had mistakenly assumed Sahrawis would be returning soon and that he had hoped to use his skills in the Atlantic Ocean. But he never voted, returned, or sailed.

Education and the "State in/of Limbo" in an Era of Infitah and Intifada

Dr. Sid is a successful Sahrawi dentist based in Madrid. He was about seven years old when he fled the war with his family to Algeria. He completed elementary and preparatory levels in Libya and was about to start secondary education when the Libyan government changed its policy, forcing him to complete his education in Algeria. In 1986, he travelled to the Soviet Union, where he acquired a university degree in dentistry. He returned to the camps in 1992 and volunteered in SADR's Public Health department for four years, still hoping that the referendum would take place. When it didn't he left the camps. When asked why he left, he explained:

> I did not leave the camps in any final way. In the camps, I still have my mother, my sisters, relatives, etc., they live in 27 February. In any case, I owe my education and all what I have now to the camps and the Sahrawi state … I hope Western Sahara will get its independence … but the only solution now is to go back to war. The negotiations have failed.[51]

In contrast, Ahmad, in his mid-thirties, did not complete his education in order to join the SPLA during the war. Following the ceasefire he returned from the frontlines to the camps, and when I interviewed him, it was clear he regretted not completing his education, as he noted:

> Sometimes I do (regret it), especially now in a situation of "neither war, nor peace", and at a time when I need to make a living, sometimes I regret not completing my education.[52]

Dr. Sid's trajectory and Ahmad's reflections on his past capture the changes and views that have unfolded since the ceasefire. As was the case with Palestinian refugees, Sahrawi who fled the war did not initially imagine that their temporary situation would in time acquire features of a permanent exile. The referendum became like a desert mirage, looming in the distance but never reached. As their hopes to return swung high and low, and the months turned into years and decades, new generations with different experiences and educational levels were born and raised in the camps. Al-Salek, a Sahrawi who had participated in the war, described the generational differences as follows:

> The older 'authentic' generation *al-jeel al-aseel* faced … discrimination under Spanish rule … *jeel al-thawra,* the second generation of the revolution … carried out the armed struggle … we felt what is the use of education without a Homeland? As for the third generation, they also suffer, mainly from waiting and waiting—they are frustrated. But there is a factor that all generations agree upon … We all are ready to leave everything for our homeland.[53]

The strategic objective to utilize the skilled human resources in an independent Western Sahara remained unfulfilled. Yet, the number of educated graduates and returnees continued to increase, many without an avenue for applying what they had learned and without gainful employment. They complained that their lives were suspended and as many expressed it, wasted "drinking tea" or *ntayyu*. The political impasse exacerbated the situation and frustration led to growing criticism against SADR's policy to continue the "peaceful" diplomatic track to resolve the conflict. The mounting tensions placed SADR in an unenviable position: how to deal with the social and economic needs of a growing educated population with little resources, and maintain collective national mobilization in the context of a ceasefire and an uncertain political future.[54]

Both refugees and SADR had to adapt to a changing world and the political deadlock. Many graduates, of whom there was now a surplus, turned their attention to their livelihood needs and aspired for upward social mobility. A number of them put away their degrees and set up a profitable venture, such as a shop in the informal market. For others the option was to leave the camps to seek paid employment in Spain or elsewhere. These changes were also prompted by the return of many men from the battlefront to the *wilayaat*, which in many cases provoked gender tensions. Women who were willing to carry responsibilities within the domestic and public spheres, usually quietly, single-handedly, and with little resources, when their men were fighting were not willing to put up with men hanging around drinking tea during the ceasefire.[55]

Following the ceasefire, small shops selling food, clothes, household items, and mechanics and repair shops sprouted rapidly in camps. The growth was exponential, hand-in-hand with the expansion of transnational political, social, and economic networks. Merchandise from Algeria, Mauritania, and countries like China and Korea filled the markets.[56] Television sets, mobile phones, second-hand vehicles, and the use of the Internet and video cameras became harbingers of what older generations of Sahrawis labelled with a touch of irony as the symbols of *al-infitah* or *perestroika*, referring to the invasion of commodities, new consumption habits, and the slow departure from revolutionary principles.

SADR was compelled to adapt. Bending with the changes, it relaxed its strict centralized policies and operations, handing back to families some of the decision-making powers relating to education, marriage, and health, which it had monopolized during the war years. For example, SADR discontinued the imposition of a standard amount of dowry/bride price paid to the newlyweds,[57] and turned a blind eye in cases when students dropped out of school. Explaining the changes, Ibrahim, a Sahrawi official working in Rabouni, observed:

> In my view this is a natural development of society. First … the Polisario played a … role in convincing people that education is important … In the next stage, the families insisted that their children acquire education. Secondly, in the beginning most people needed economic assistance … When people became a bit more economically independent, they felt that maybe they should be able to make more independent decisions.[58]

The global shifts and political context reconfigured the relationship between the public and private domains, and SADR's areas of authority and intervention. However, these changes did not necessarily threaten SADR's national project; the informal economic sector, for example, helped alleviate some of its responsibility to secure livelihood needs. However, the transformations also meant an increase in socio-economic inequalities in the camps, away from the revolutionary ideals of "equal distribution." Mundy proposes that these changes did not imperil the national project, but "normalized society": markets, he opines, produce citizens no less than popular committees.[59] Similarly, my research in Palestinian refugee camps showed that in the context of national liberation, upward socio-economic mobility and attention to livelihood needs do not necessarily lead to political compromise.

SADR also used technological developments helped by its educated generations, to publicize its political program and garner support. In the summer of 2009 during my visit, SADR inaugurated the first Sahrawi television broadcasting service. It also developed its institutions and relationships with a number of countries, obtaining recognition from Kenya, for example, and during my visit it hosted a Venezuelan delegation, an indication that bilateral relations were being developed.

In May 2005 an Intifada or uprising erupted in the Moroccan-occupied territories, invigorating nationalist sentiments and reinforcing links between the Sahrawi population within and outside Western Sahara. This has some parallels with the Palestinian case, where the Palestinian Intifada in 1989 shifted the focus of the struggle to the occupied territories. Similarly, the Sahrawi Intifada turned attention to the Moroccan-occupied territories. Significantly, the May demonstrations in the city of al-Ayoun were dubbed the "independence protests," symbolized by raising the SADR flag and by the slogan "*la badeel la badeel, 'an taqreer al maseer*," meaning "no alternative to self-determination." On 8 November 2010 another Sahrawi protest was violently dismantled by the Moroccan security forces in the Gdeim Izik camp consisting of thousands of tents erected by Sahrawis in al-Ayoun.[60] Instantaneously, Internet links to video recordings of mass demonstrations and photographs of victims of Moroccan repression spread across cyberspace. The violence in the occupied territories provoked the young educated youth in the *wilayaat* to stage what was described as "almost a rebellion" against SADR's strategy of peaceful negotiations, urging their leaders to resume the fighting.[61]

Conclusion

In contemporary theories, the refugee has emerged as a metaphor for the post-modern condition, providing models of dispersed senses of personhood, in opposition to the models of fixity and orders of modern society.[62] However, the historical and political contexts remain critical when

applying theoretical concepts. The case of the Western Sahara refugees is that of incomplete decolonization, wherein SADR is a manifestation of a nationalism with a trajectory in the anti-colonial struggles of the twentieth century. Therefore, SADR's aim to achieve sovereignty in Western Sahara is not *sui generis* reactionary politics or a conservative agenda, especially in the current global structures and relations of power, in which Morocco sits comfortably on the side of the US, the largest imperial power. In contrast, SADR is an incomplete and vulnerable polity with unstable formations. Thus, we should be cautious in practicing our skills in deconstruction of "identity politics" and the nation-state, lest we play into the hands of powerful actors against the claims of the oppressed.[63]

Thus there are many analytical challenges and political considerations that bear on this particular case, not simply in writing about it, but also in tracing the processes involved in the contemporary context of shifting social and economic formations, global political alliances, and new forms of struggle expressed in the practices and language of the age.

SADR's national institutions provide a model which could be showcased not only to its refugee-constituents, but also to the international community. For SADR, the achievements brought about through education show not only that they are deserving of self-determination, but that their educated human resources could run the operations and institutions of an independent Western Sahara. The argument, as Khatri Addu explained when I interviewed him in the *wilaya* of Smara is: "if we could administer a nation-state in the harsh desert environment with very little resources, we can manage even more effectively with resources and in our own territory."[64] SADR succeeded in creating an educated population in exile and thus far has adapted to changing global configurations, but the ceasefire has become increasingly fragile. It is difficult to predict the future, but the shifting sands of the Sahara might unexpectedly draw students and graduates back to the battle fronts.[65]

Notes

1. Khatri Addu, SADR official, interview, May, 2009.
2. "The United Nations and Decolonization," accessed July 29, 2011, http://www.un.org/en/decolonization/nonselfgovterritories.shtml. I use "Western Sahara" and "Territory" interchangeably in this article.
3. Mustafa Al-Kuttab and Muhammad Badi, *Al-Niza' 'ala Al-Sahra' al-ghabiyyah: Bayna Haqq Al'quwwa Wa Quwwata Al-Haq* [The Struggle in Western Sahara: Between the Power of Right and the Right of Power] (Damascus: Dar al-Mukhtar, 1998), 17.

4. "Polisario" is an acronym formed from the name in Spanish, Frente Popular para la Liberacion de Saguia el Hamra y Rio de Oro; the name refers to the two regions that constitute Western Sahara.
5. Tony Hodges, *Western Sahara: The Roots of a Desert War* (Westport: Lawrence Hill & Company, 1983), 163–64.
6. Ibid., 201
7. International Court of Justice, "Western Sahara, Advisory Opinion of 16 October 1975," accessed July 29, 2011, http://www.icj-cij.org/docket/files/61/6195.pdf.
8. Hodges notes that the King portrayed the March as a "holy crusade"; see Hodges, *Western Sahara*, 213.
9. Muhammad al Mami al Tamek, SADR, Minister of Information, interview, May 24, 2009.
10. Jacob Mundy, "Neutrality or Complicity?" *Journal of North African Studies* 11, no. 3 (2006): 276.
11. Hodges, *Western Sahara*, 210–28.
12. Yahia H. Zoubir, "The Geopolitics of the Western Sahara Conflict," in *North Africa, in Transition: State, Society, and Economic Transformation in the 1990s,* ed. William B. Quandt and Yahia H. Zoubir (Gainesville: University Press of Florida, 1999), 196.
13. Pablo San Martin, *Western Sahara: The Refugee Nation* (Cardiff: University of Wales Press, 2010), 112.
14. Michael Bhatia, "Repatriation under a Peace Process: Mandated Return in the Western Sahara," *International Journal of Refugee Law* 15, no. 4 (2003): 786.
15. On Morocco's role in obstructing the referendum, see Human Rights Watch, "Keeping it Secret: The United Nations Operations in Western Sahara" (October 1995), accessed February 17, 2011, http://www.hrw.org/legacy/reports/1995/Wsahara.htm.
16. Jeffrey J. Smith, "State of Self-Determination: The Claim to Saharawi Statehood" (unpublished manuscript, copy on file with the author), 2.
17. On Spanish-Moroccan relations and interests, see Isaias Barrenada, "Spain and Morocco: Good Partners and Badly Matched Neighbors," *IPRIS Maghreb Review* 5 (2010): 6–10. On US and European interests and policies in North Africa and their effects on Western Sahara, see Ahmed Aghrout and Yahia H. Zoubir, "'Introduction: Europe and North Africa: A Multi-Faceted Relationship," *Journal of Contemporary European Studies* 17, no. 3 (2009): 321—323.
18. See, for example, Anna Theofilopoulou, "Western Sahara: The Failure of 'Negotiations Without Preconditions,'" United States Institute of Peace 22 (April 23, 2010). The report reveals the shift in approach, where the aim has become reconciliation and not compliance with the UN Charter.
19. In all life-histories and interviews I conducted, Umm Dreiga appears as a horrifying experience and turning point in the course of the war.
20. Martin, *Western Sahara,* 109.
21. The UN estimates the total population as over half a million. However, it is difficult to provide accurate statistics,

which are also politically charged. The issue of statistics is discussed in Stephen Zunes and Jacob Mundy, *Western Sahara War Nationalism and Conflict Irresolution,* (Syracuse: Syracuse University Press, 2010), 127–28.

22. For details on the early years see also James Firebrace, "Lessons and Prospects," in *War and Refugees: The Western Sahara Conflict,* ed. Richard Lawless and Laila Monahan (London and New York: Pinter Publishers, 1987), 167–69.

23. Ann Lippert, "The Sahrawi Refugees: Origins and Organization, 1975–85," in *War and Refugees: The Western Sahara Conflict,* ed. Richard Lawless and Laila Monahan (London and New York: Pinter Publishers, 1987), 152.

24. Barbara Harrell-Bond, "The Struggle for the Western Sahara, Part III: The Sahrawi People," *Africa* 39 (1981): 12.

25. For more information on the Constitution and government structure, see the Sahrawi Arab Democratic Republic website, http://sahrawi-arab-democratic-republic.co.tv/.

26. Pablo San Martin discusses the names of schools as reflecting the national "time" and narrative; see Martin, *Western Sahara,* 138.

27. Aminatu, interview, May 25, 2009.

28. Ali Mohamed Ahmed, email communication, July 18, 2011.

29. Sahrawi Ministry of Information, *Al-Sahra' al-Hurra* (Free Sahara) 389 (November 2003) [author's translation].

30. When I visited the area a few years ago, there were a few Bedouin families living there, or people in transit. There was hardly any infrastructure or mined areas. Since then, however, many of SADR's events, including general congresses and celebrations, have taken place in Tifariti, a small town in the area.

31. Eldeda Muhammad Mhamedna, "Al-Talaba al-Jami'iyoun: al-Ma'rifa fi Khidmat al-Qadiyyah" [University Students: Knowledge in the Service of the Cause], *Al-Sahra' al-Hurra* 388 (September 2003): 12–13 [author's translation].

32. Martin, *Western Sahara,* 136–45.

33. For a comparative study see Randa Farah, "Refugee in the Palestinian and Sahrawi National Liberation Movements: A Comparative Perspective," *Journal of Palestine Studies* (Winter 2008): 76–93.

34. I obtained this document while in the camps from the Ministry of Education, Rabouni, SADR, May 27, 2009.

35. Hodges, *Western Sahara,* 145.

36. Agustin Velloso de Santisteban, "Education and War in the Western Sahara" (unpublished draft, Universidad Nacional de Educacion a Distancia). The author gave me this draft during an interview in Madrid in 2003. Dr. Velloso is a lecturer in Comparative Education at the Spanish Distance Learning University, and focuses on education in Palestine, Western Sahara, and education for refugees.

37. Al-Salka, interview, February 19, 2005.

38. Bueta, a former teacher in the Sahrawi camps, interview, February 17, 2005.

39. Martin, *Western Sahara,* 148.

40. Abdati, a Sahrawi refugee and Polisario/SADR official, interview, February 18, 2005.

41. Aradhana Sharma and Akhil Gupta, "Introduction: Rethinking the Theories of the State in an Age of Globalization," in *The Anthropology of the State: A Reader,* ed. Aradhana Sharma and Akhil Gupta (Oxford: Blackwell Publishing, 2006), 9.

42. Khatri Addu, SADR official, interview, May, 2009.

43. Edward Said, "Introduction," in *Reflections on Exile and Other Essays,* ed. Edward Said (Cambridge: Harvard University Press, 2000), xxxv.

44. SADR, al-Jumhouriyyah al-Arabiyya al-Sahrawiyyah al-Demoqrattiyya, *Al-Tareekh Lisana Al-Saadisa* [History for Grade Six] (Rome: Periscopio Editoria y Comunicazione—CISP/ SUCKS, 1994), 32.

45. Anna Lowenhaupt Tsing, "From the Margins," *Cultural Anthropology* 9, no. 3 (August 1994): 279.

46. Robert Bocock, *Hegemony* (London and New York: Tavistock Publications, 1986), 33–34.

47. Al-Ma'moun, interview, February 20, 2005.

48. Akhil Gupta, "Song of the Non-Aligned World," in *Culture, Power, Place: Explorations in Critical Anthropology,* ed. Akhil Gupta and James Ferguson (Durham and London: Duke University Press, 1997), 192.

49. Aminatu, a Sahrawi student, interview, July 2007.

50. On the socialization of Cubanos or Cubrauis see also Martin, *Western Sahara,* 151.

51. Dr. Sid, interview, October 26, 2007.

52. Ahmad, interview, February 20, 2005.

53. Al-Salek, interview, February 23, 2005.

54. Randa Farah, "Western Sahara and Palestine: Shared Refugee Experiences," *Forced Migration Review* 16 (2003): 20–23.

55. Shakrouda, interview, July 3, 2009.

56. When I visited the camps in 2009, even older men and women were using mobile phones and watching various channels on their battery-run television sets.

57. During my last visit in 2009, a number of young Sahrawi men complained that they cannot afford to get married, because now brides-to-be and/or their families expect a substantial bride-price, such as a built house, furniture, money, etc.

58. Ibrahim, a SADR official , interview, February 2005.

59. Jacob A. Mundy, "Performing the Nation, Pre-Figuring the State: The Western Sahara Refugees, Thirty Years Later," *Journal of Modern African Studies* 45, no. 2 (2007): 276.

60. Human Rights Watch, "Western Sahara: Beatings, Abuse by Moroccan Security Forces" (2010), accessed February 17, 2011, http://www.hrw.org/en/news/2010/11/26/western-sahara-beatings-abuse-moroccan-security-forces.

61. Personal communication with Sahrawi acquaintances, January 2011.

62. John L. Comaroff, "Politics of Difference in an Age of Revolution," in *The Politics of Difference: Ethnic Premises in a World of Power,* ed. Edwin N. Wilmsen and Patrick McAllister (Chicago and London: University of Chicago Press, 1996), 162–83.

63. Richard Handler, "Is 'Identity' a Useful Cross-Cultural Concept?," in *Commemorations*, ed. John R. Gillis (New Jersey: Princeton University Press, 1994), 27–40; John Sharp, "Ethnogenesis and Ethnic Mobilization," in *The Politics of Difference: Ethnic Premises in a World of Power*, ed. Edwin N. Wilmsen and Patrick McAllister (Chicago and London: The University of Chicago Press, 1996), 85–103.
64. Khatri Addu, the governor of Smara, interview, June 2007.
65. For more details on the Sahrawi conflict, see also Randa Farah, "A View from the Sahrawi Refugee Camps: Sovereignty on Borrowed Territory," *Georgetown Journal of International Affairs* (Summer/Fall 2010): 59–66.

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Beyond Basic Education: Exploring Opportunities for Higher Learning in Kenyan Refugee Camps

Laura-Ashley Wright and Robyn Plasterer

Abstract

This paper seeks to elucidate the socio-cultural and economic benefits of higher education in refugee contexts. NGO and UNHCR initiatives in Dadaab and Kakuma camps are used as a reference point for discussing the challenges, best practices, and potential of higher and adult learning in contexts of protracted exile. This small-scale, qualitative study seeks to understand what opportunities for higher education exist for those living in Kenyan refugee camps, and do existing opportunities yield "social benefits" beyond those accrued by the refugees themselves? Drawing upon interviews with practitioners, observation in schools and learning centres, and data from refugee-service providers, our findings are primarily descriptive in nature and explore the myriad ways in which opportunities for higher learning can strengthen refugee communities in countries of asylum. We contend that although Kenya's encampment policies limit the potential economic and social benefits of refugee education on a national level, opportunities for refugees to pursue higher education are still immensely valuable in that they bolster refugee service provision in the camps and provide refugees with the skills and knowledge needed to increase the effectiveness of durable solutions at both an individual and societal level, be they repatriation, local integration, or third-country resettlement.

Résumé

Cet article cherche à déterminer les avantages socioculturels et économiques d'une éducation supérieure pour les réfugiés. Des initiatives d'ONG et du Haut Commissariat des Nations Unies pour les réfugiés (UNHCR) dans les camps de Dadaab et de Kakuma servent de points de référence pour une discussion des défis, des pratiques exemplaires et des possibilités d'une éducation supérieure et

d'un enseignement aux adultes dans des contextes d'exil prolongé. Cette étude qualitative à petite échelle cherche à déterminer les possibilités d'offrir une éducation supérieure aux habitants des camps de réfugiés au Kenya et à établir si les occasions existantes donnent lieu à des « avantages sociaux » autres que ceux qui sont acquis par les réfugiés eux-mêmes. Fondées sur des entrevues avec des praticiens, des observations dans les écoles et les centres d'apprentissage ainsi que des données obtenues de fournisseurs de services aux réfugiés, nos constatations sont essentiellement descriptives et explorent les multiples façons dont les possibilités d'une éducation supérieure peuvent renforcer les communautés de réfugiés dans les pays d'asile. Nous soutenons qu'en dépit des politiques du Kenya sur le regroupement des réfugiés qui limitent les avantages économiques et sociaux potentiels de l'éducation des réfugiés à l'échelle nationale, les possibilités qu'ont les réfugiés de poursuivre des études supérieures demeurent précieuses en ce qu'elles renforcent la prestation de services dans les camps et fournissent aux réfugiés les compétences et les connaissances qui sont nécessaires à l'établissement de solutions durables plus efficaces, tant au niveau individuel que sociétal, qu'il s'agisse de rapatriement, d'intégration locale ou de réinstallation dans un tiers pays.

Introduction

Debates concerning higher education in the Global South, and Sub-Saharan Africa in particular, have been at the forefront of international education policy and scholarship since the 1970s.[1] The key question at hand has been whether or not higher education provides valuable social benefits at large, or simply posits personal rewards to those who have better access. In essence: do the private returns outweigh the relative social benefits of higher education in a development context? Until recently, this dialogue has focused on

the outcomes of higher education for individuals within the nation-state system, but has rarely been extended to contexts of protracted exile. This paper seeks to address this gap by elucidating the value of higher education in protracted refugee situations with specific reference to Kenya.

We suggest that opportunities for higher and adult education, in contexts of displacement, can yield important "social benefits" beyond the personal gain accrued by individual refugees themselves. Such benefits include, but are not limited to: strengthening the quantity and quality of the teaching force within the camps, bolstering parental support for and engagement with their children's education (particularly girls' education), and promoting primary and secondary school attendance by ensuring opportunities, be they limited, to pursue higher learning. However, before delving into the case of higher learning in Kenyan camps, we will first contextualize our findings with a brief overview of the key debates concerning higher education in Africa.

Higher Education in Africa

From the 1970s to the late 1990s, the World Bank viewed public spending on higher education as a misdirection of resources, stating that individuals reaped far greater benefit from higher education on a personal rather than collective level. Institutions for higher education were seen as "enclaves of privilege," and the international community supported this position by channelling almost all funding to basic education.[2] The prioritization of "Education for All," limited to basic education, resulted in a severe deterioration of higher education in Africa.[3] This focus was supported by four key arguments. First, the expansion of the education regime to include higher education institutions would reduce the quality of education at all levels.[4] Second, it would foster a disjuncture between supply and demand in regions where the labour market is unable to absorb graduates.[5] Third, higher education often excludes disadvantaged and marginalized groups,[6] as developing countries lack the financial markets needed to provide student loans; corruption among university placements and scholarships is also widely cited.[7] This leads to the fourth line of argument: a very small percentage of the population can access higher education, yet this group receives a disproportionately large percentage of educational budgets.[8]

At present, one quarter of international aid to the education sector in Sub-Saharan Africa is targeted to higher education.[9] This reflects a change since the 1990s to a more positive outlook, with higher education being favourably repositioned in development thinking.[10] Part of the change can be attributed to the 1999 World Bank report, *Knowledge for Development*, which showed that private rates of return for higher education were similar to those

of secondary education, recommending the promotion of distance learning in development contexts.[11] Moreover, the 2002 World Bank Report, *Constructing Knowledge Societies: New Challenges for Tertiary Education*, signified a shift in the Bank's position and emphasized the potential of Information and Communication Technologies (ICTs) and distance learning, the role of higher education in development and economic growth, and the importance of a holistic education system as a "global public good."[12] Unfortunately, despite these developments, 2008 enrolment rates for higher education in Africa stood at 6 per cent, compared to the global average of 26 per cent and 70 per cent in North America and Western Europe.[13]

Higher Education in a Refugee Context

Investment in higher education may be even more controversial apropos refugee populations (see also Dryden-Peterson, this issue). With severe restrictions on movement, commerce, and citizenship rights for "warehoused"[14] populations in Kakuma and Dadaab, it is difficult to see how providing higher education within the camps would forward national development along the lines specified in the literature. For instance, higher education is unlikely to benefit Kenya's national economy or social fabric, unless the Kenyan government were to revise its policies of encampment and facilitate local integration. Moreover, given the long-term effort and investment needed to provide opportunities for higher education in remote and under-resourced locations (such as refugee camps), and the fact that primary and secondary education also remain in desperate need of additional assistance and funding, it is reasonable to question whether the international community should prioritize higher/adult education and training at all.

In this paper we take the position that higher education in refugee situations is critical not only to achieving socio-economic development, but also to bolstering durable solutions for both individuals and society. As an investment, it is therefore as essential in refugee contexts as in development contexts.

First, higher education and training can provide refugees with the skills and knowledge needed to increase the effectiveness of durable solutions, be they repatriation, local integration, or third-country resettlement. When speaking to repatriation, there is no shortage of research indicating the critical role for higher education in nation building and peace making, particularly in countries recovering from war.[15] The Task Force on Higher Education and Society states that higher education "is essential to national social and economic development."[16] The benefits of higher education, including increased tax revenue, better national health, reduced population growth, stronger government,

and improved technology,[17] apply not only to a context of repatriation but also to local integration. Moreover, in terms of third-country resettlement, a recent report by the NGO Network of Integration Focal Points indicates that efforts in education, vocational training, and language learning assist refugees to play an active role in their own integration, enabling them and their children to "be more successful and more active participants in society."[18]

With the average time spent as a refugee doubling from nine to seventeen years over the last decade,[19] Zeus notes that "we cannot afford to have human potential linger around until a durable solution is found … we need to look at the immediate *and* long-term development needs of refugees in protracted contexts."[20] To do so, she argues that the international community should provide refugees with the essential capacity building opportunities *during* displacement, to cultivate skills for future integration and community/nation building efforts. The benefits of such programming have been widely documented and may include: bolstering parental and community support for primary and secondary education initiatives, particularly for gender equity programs; improving the quality and capacity of the primary and secondary education system by increasing the number of qualified teachers; inspiring youth to attend class and successfully complete high school, thus helping to limit social deviancy and "recruitment into armed combat, forced labour, drug trafficking and prostitution."[21] Further, higher education can enable refugees to "participate in planning and policy making regarding their own situation, empower[ing] them to be no longer a "burden," but agents of their own development."[22]

The challenge of higher education embodies the paradox of "relief versus development." The relief model stems from the premise that "the crisis will have a beginning, a middle, and an end," where donors seek to assess needs quickly and devise a response strategy as efficiently as possible.[23] The relief focus often excludes education, as prioritized urgent needs are intended to be short term, such as the distribution and provisioning of material aid, constructing short-term shelters, and providing support for post-traumatic stress.[24] As such, the "top-down management of activities"[25] related to care and maintenance is often critiqued for creating refugee dependency syndrome, for disempowering, "pathologizing, medicalizing, and labeling" refugees, and for creating tensions between those who receive aid and those who don't.[26] Indeed, many scholars have noted how "care and maintenance" programs for long-term refugees not only can create donor fatigue, but also can confine refugees' personal and community development in particular ways by creating dependency on aid.[27]

Conversely, the development model, articulated by Mimica and Stubbs, suggests that "refugee emergencies can, also, be seen as opportunities for development."[28] As refugee crises are rarely short term, "it is imperative to begin long-term planning from day one."[29] The approach "implies a high degree of both participant and self-sufficiency by the beneficiary population,"[30] and research "suggests that those refugees who achieve higher levels of adaptation are those most prepared to return to their homes when that becomes possible. The development model is about giving people choices rather than inducing passivity and a feeling of helplessness."[31] However, development planning is more complex, taking into account short- and long-term planning for programming in education, skills development, income generation, and public health awareness.[32] Kaiser notes how the "inherently political nature of refugee presence" makes the implementation of a developmental response incredibly difficult.[33] Crisp elaborates on these political divides within institutions that provide relief and development, such as tensions between United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Programme (UNDP), the US State Department's Bureau for Refugee Programs, and USAID.[34] To add to this complication, many host states, such as Kenya, want to ensure that any efforts within a development framework are not interpreted as being in favour of local integration. Given the international community's preference for repatriation,[35] development-focused efforts, such as in education, have been limited.

We use a case study of the Kenyan refugee camps to illuminate our argument about the critical nature of higher education for refugees. We begin by providing an overview of higher/adult education and training programs in Kakuma and Dadaab (including adult literacy, Technical and Vocational Education Training (TVET), Teacher Training Programs (TTP), distance/higher education, and scholarship opportunities). We then explore the challenges facing higher education in refugee contexts broadly, and some of the NGO- and community-driven initiatives that are working to overcome these barriers in Kenya. Though descriptive in nature, and limited to the perspective of service providers, our findings support the premise that opportunities for higher learning can yield important social benefits to communities in protracted exile in a number of ways.

Education in Protracted Refugee Situations: The Case of Kenya

Kenya is noted to be in the "unenviable geographical position" of sharing borders with five countries, of which four "have generated sufficient internal conflict" to create masses of refugees and asylum seekers in Kenya.[36] As

the second-largest refugee-hosting country in Africa after Tanzania,[37] Kenya has followed a strict policy of encampment since 1992. This policy of "refugee warehousing and containment"[38] has resulted in the present-day remote refugee camps of Kakuma and Dadaab, near the borders of Sudan and Somalia respectively. The locations of these camps were selected partly for their geographical proximity to origin country borders, but also for their remoteness and lack of agricultural value and economic significance.[39] The remoteness and confinement characterizing these camps not only adversely affects educational attainment at the primary level but, according to data obtained during this research, implicates the availability and quality of secondary, higher, and adult education as well.

Education in Dadaab

The largest refugee camp in the world, Dadaab is located in northeastern Kenya's Garissa District, approximately one hundred kilometres from the Kenya-Somalia border and consists of three sub-camps: Ifo, Dagahaley, and Hagadera. Established in 1991 with a capacity to host 90,000 refugees, the camp has grown to host approximately 313,309 refugees (as of March 2011) of which 94 per cent originate from Somalia.[40] Similar to Kakuma, Kenya's only other refugee camp, Dadaab is located in a semi-arid climate and experiences severe weather (extreme heat in the dry season and widespread flooding in the wet season), as well as frequent hostility from the local population.[41] These living conditions create an extremely precarious situation for refugees with 43 per cent of the population lacking adequate dwellings, 82 per cent lacking household latrines, and almost all being affected by water shortages.[42]

Educational provision is a further impediment; 118,915 youth are school-going age (five to seventeen years of age),[43] yet roughly half are not in school.[44] UNHCR states that providing every child in Dadaab with access to formal education would require the construction of forty-six additional schools.[45] As of August 2009, the teacher-student ratio was 1:68, and 92 per cent of these teachers were untrained.[46] Within the three camps, there are eighteen primary schools that cater to 37,125 learners (39 per cent girls) as of 2009;[47] three main secondary schools, initiated by NGOs, with 1,644 learners (26 per cent girls); and three community secondary schools, initiated by the refugee community, with 1,048 learners (18 per cent girls), as of 2010.[48] The schools are supported by UNHCR, Windle Trust Kenya, and Care International. Despite a growing number of refugee youth in the camp, funding and resources remain relatively static. However, the UNHCR Dadaab office reminds us that "the youth is eager for livelihood opportunities and training courses."[49]

Education in Kakuma

Situated in the Turkana District of northwestern Kenya, Kakuma hosted a population of 80,741 as of 24 July 2011; 7,241 refugees are new arrivals in 2011, with a current trend of approximately 270 new arrivals per week.[50] This population more than doubled in size from 2009, mainly a result of Sudanese repatriation and a relocation of Somali refugees from an overcrowded Dadaab. In the past, the majority of residents were Sudanese, but with recent demographic shifts the population breakdown in July 2011 was: 53.6 per cent Somali, 31.3 per cent Sudanese, 6.8 per cent Ethiopian, 5.2 per cent Congolese (Democratic Republic), 1.8 per cent Burundian, and a remaining 1.3 per cent from Uganda, Congo, Rwanda, Eritrea, and Tanzania.[51] Since the start of the Sudanese repatriation, Kakuma has seen severe cutbacks to its educational programming; however, the school system continues to support 15,399 students (6,452 girls) by operating six preschools, ten primary schools, and one secondary school.[52] In August 2009, of the 220 teachers in the camp, 81 per cent were untrained. As in Dadaab, girls' educational attainment steadily decreases with age, such that by secondary school only 67 of the 394 students were girls (2009 data).[53] However, there is hope for gender equity; in both camps (Kakuma and Dadaab), 240 refugee girls in their final year of primary school benefited from remedial education classes (2009 data).[54]

Methodology

Fieldwork for this small-scale qualitative study was carried out over three weeks in Kenya, with one week in Kakuma, Dadaab, and Nairobi respectively. During this time we conducted in-depth, semi-structured interviews with NGO and UNHCR representatives at all sites. Triangulation[55] was used through the collection of "rich data" in the form of verbatim transcripts and in situ observation from two different camp settings, along with primary and secondary documentary research.[56] While our data incorporated all levels of education, we chose to focus our attention and analysis on higher learning for the reasons outlined above. Many refugees shared their frustrations of feeling idle and forgotten by the international community, as well as their desires to continue their education and skills development later in life. They explained that conflict disrupted their education, and that the current camp education system did not provide adequate transition opportunities for adults or youth with some schooling in their countries of origin and who wished to re-enter formal schooling under the Kenyan system offered in the camps; by the time they would manage to finish secondary school, they would be too old for many of the current scholarship schemes. Additionally, we were frequently asked by refugees (many of whom mistook

us for donors) as to why most scholarship opportunities had age limitations and whether there were opportunities for individuals over twenty-five years of age. It is in response to those conversations, as well as the aforementioned gap in the literature, that we have sought to consolidate information on existing opportunities for higher/adult refugee education in Kenya.

While these conversations are an underlying motivation for this paper, we ultimately chose to refrain from interviewing refugees in the camps due to numerous moral and ethical dilemmas,[57] including the difficulties of attaining informed and voluntary consent given our time constraints and the power imbalances between ourselves and potential participants; the chance that the "fly in, fly out" nature of the research may have left participants feeling "exploited"; and the expectations that were raised by presumptions that we were rich *dibadaha* (outsiders) from the "West" with access to resources and resettlement opportunities.[58] As such, we only interviewed service providers working directly with educational and vocational programming. In so doing, certain voices have been silenced and we are thus unable to "identify similarities and differences in perception between implementing agencies and the refugees" in Dadaab.[59] The dearth of refugee voices within this paper is an important limitation of the research and, as such, the findings herein should be read with this in mind.

However, while refugee youth were not directly interviewed for this research,[60] we did engage in reciprocal learning with refugee youth in the camps by conducting a series of pre-departure orientations for World University Service of Canada's refugee students being resettled to Canada in collaboration with our NGO host. As part of their pre-departure training, run by WUSC and Windle Trust, the students complete an extensive piece of primary research on topics of importance in the camps such as: education; health; crime; food and nutrition; sanitation; and environmental sustainability. We have used selected data from these reports for which they gave consent for use in our research. Prior to conducting their research, all students received training on research methods and ethics.

Our NGO host aided our research by facilitating the logistics and security of visits to all of the sub-camps within Kakuma and Dadaab, and assisting with site visits to primary, secondary, and adult schools (both community-led and mainstream); ICT learning centres; libraries; vocational training centres; refugee reception/registration centres; and community sites such as churches and restaurants. This collaboration enabled us to attend classes of the girl child education and adult literacy programs, meet with community leaders and refugee teachers, and attend a graduation ceremony for refugee youth; however, all of these visits were dependent on the transportation and often, language interpretation of our host.

While hosts (such as NGOs) can improve reliability and validity of data, it is important to note that there are also ethical and methodological concerns, such as reactivity, where the "active presence" of researchers and guides produces biased responses and resistance to reveal the "real truth."[61] Bowman notes that certain organizations working with refugees may wish to prevent access to these "real truths," instead being "keen to display an impression of unity to the outsider, downplaying the process of internal discord, conflict, or factionalism."[62] Jacobsen and Landau recommend prolonging fieldwork to reduce bias and reveal inconsistencies;[63] however, this was not possible within the timeframe of our fieldwork. As we were also unable to obtain the visitor permits required to extend our stay in the camps, follow-up email interviews and communication were used as an attempt to verify the data.

Although it can be extremely difficult to collect a range of data due to the challenges previously mentioned, networking with NGOs proved extremely beneficial, as we were able to find a substantial amount of documentary evidence and had access to many key informants. To enhance the quality of data, participants with diverse experiences, opinions, and insights were selected based on purposive sampling, including at least one NGO worker from each organization involved in education in the camps plus UNHCR. In total, fifteen semi-structured interviews were carried out with representatives from NGOs working in the education sector (in the camps and in Nairobi) and the UNHCR (at the field offices in the camps).

Despite the relatively small size of our sample, interviews with the above participants elicited a range of perspectives in an attempt to identify the social, cultural, economic, and political factors impacting the provision of education in the refugee camps. The interviewees included representatives of UNHCR, Care International, Windle Trust Kenya, the Norwegian Refugee Council, the Jesuit Refugee Service, the Lutheran World Federation, and Don Bosco. All participants were informed of the consent procedures, assured that all data would be anonymized, and asked for permission to record the interview. They had a strong grasp of English and were given the opportunity to review interview transcripts and notes to ensure accuracy.[64] We feel it is important to note that all the participants currently work for their respective organizations, which may have implicated their ability to share certain information and may create bias in our data. The majority of interviews took place at the respective offices of the participants, allowing for observations and field notes to be collected at each site, including schools, the university campus, ministry buildings, and ICT

centres. The questions posed were general, asking for perceived strengths and challenges to providing education and allowing for each participant to answer within their own experience. The following sections outline our key findings from these meetings with respect to adult literacy and training, teacher training programs, higher education opportunities, and community learning initiatives.

Challenges Facing Higher Education for Refugees in Kenya

There are several key factors reported as challenges to the education system in Kenyan refugee camps, including cultural/traditional practices that do not favour girl's education, congestion in schools, dilapidated and under-resourced facilities, and a paucity of trained teachers. However, according to all of our research participants, at the forefront is the challenge of providing sufficient funding for educational opportunities. Existing (and limited) funding, usually from donor agencies, is often targeted towards primary and secondary education provision, with an emphasis on Girl Child Education (GCE) (Interviewees 1, 2, 3, 5, 7, 8, 10, 11, 13 and 15). As such, the dearth of resources for higher education remains acute. As one NGO worker in Kakuma articulated:

> Support for secondary school and post-secondary school is still a big problem […] There are very few sponsors for such students.—Interviewee 3

When asked about the biggest obstacle facing education in the camps, another practitioner stated:

> Over time I've come to realize that education is not a priority in a refugee camp. Donors want to provide water, food and health—those are the priorities. Education is the second. But to me, education should be the top priority because if you have an educated group among the refugees they could also facilitate to deal with those issues. —Interviewee 8

This reluctance to fund education can be attributed to a donor emphasis on temporary relief rather than long-term development. As one ESL/ICT teacher in Kakuma expressed:

> The refugee situation is seen as a temporary situation, so we don't want them to have very permanent structures, permanent programs that will draw refugees to the camp instead of encouraging them to go back home. That's how we see it, but the fact remains that some refugees have been here since 1992! —Interviewee 15

These limited resources impact on all areas of the provision of higher education for refugees in Kenya.

Adult Literacy and Training

There are several educational programs catering to adult populations in both camps. Among these, English as a Second Language (ESL) Training and TVET are the most prominent. Windle Trust Kenya (WTK) provides ESL to refugees in both camps in order to meet the identified needs of five key target groups: vulnerable women for empowerment, survival, and protection; community leaders to communicate with relevant authorities; incentive teachers for professional development and language-upgrading; out-of-school youth wishing to enter formal schooling or obtain employment as incentive workers;[65] and the host community, who are "equally disadvantaged when it comes to language literacy and who resent the opportunities provided to refugees but not to them" (Interviewee 3). These ESL programs are of value not only to the individual participants, but also to the wider community; for example, one NGO worker noted how literacy programs can even assist with conflict resolution in a multicultural camp setting such as Kakuma:

> You find that there are more than ten nationalities in the camps, in addition to the different clans from the same country that may not be speaking the same language. English helps leaders to come together and talk to understand each other, to appreciate one another, and therefore it becomes a tool of reconciliation—a tool of peace. —Interviewee 8

Additionally, an ESL program coordinator stated how:

> English language literacy programs, apart from providing access to services, provide skills in mediation, protection and empowerment, skills that can help refugees to seek jobs within organizations; not just the skills to ask for jobs, but to be able to do the jobs, being confident to speak and to have self-esteem in themselves. A person who is incapacitated because of communication cannot have self-confidence—a sense of ownership comes from this. —Interviewee 3

WTK also runs several ESL classes in collaboration with Don Bosco as part of additional non-formal adult education opportunities, such as within gender-based awareness or life choices outreach programs, business management skills, computer or secretarial certificate courses, or micro-finance credit programs coordinated by UNHCR. These courses are short in duration, lasting approximately three to six months, and change in content to reflect the needs and desires of the refugee population (Interviewee 3).

As the main provider of technical and vocational training in Kakuma, Don Bosco is registered with the Government of Kenya to offer three grades of TVET; each is one year in duration. Upon completion of these courses, refugees receive three certificates: one from the Government of Kenya, one from UNHCR, and one from Don Bosco. Course options change frequently to meet refugee preferences, but often include skills such as carpentry, welding, mechanics, masonry, plumbing, electrical wiring, tailoring, dressmaking, and agriculture. TVET is free and open to adults from ages sixteen to fifty, with the only entrance requirement being completion of primary school. While Don Bosco's mandate includes adults as a target group (Interviewee 4), practitioners continually reported an overall shortage of educational opportunities in the camps (Interviewees 1, 3, 4, 7, 8, 13). Challenges noted include: language barriers for those with different levels of English and for French speakers; the need to constantly adapt programs to ensure student retention, as many refugees state a desire to begin a program, but then drop out from a loss motivation to work; the complication of simultaneously meeting the needs of refugees and donors, as UNHCR targets include vulnerable groups such as women, school dropouts and the physically handicapped; and the costs of providing a meal to refugees and ensuring the courses remain free (Interviewees 1, 3, 4, 5, 7, 10, 13, 15).

Unfortunately, we were unable to collect any data on ongoing TVET initiatives for adults at the time of our research, as many programs had recently experienced severe cuts or suspension, and those remaining were primarily geared towards youth.[66] These funding challenges were reported by all interviewees as a major barrier to providing education, especially TVET. That said, Care International and Samasource, a US-based NGO, fund ICT learning centres in Dadaab and coordinate with other NGOs to provide Income-Generating Activities (IGA) and adult training in technology.

Many interviewees emphasized the importance of ESL and TVET programs as effective education options for refugees, stating how the programs provide graduates with practical and tangible skills needed to make important contributions to NGOs as incentive workers, generating income in an otherwise non-existent job market[67] (Interviewees 1, 2, 3, 4, 8, 11, 14).[68] Beyond income-generating opportunities, adult learning can also strengthen the value parents place on education, thus enhancing their support for primary and secondary education initiatives, particularly with respect to Girl-Child Education (GCE).

Numerous academics and practitioners support the premise that "parent/caregiver expectations, positive or negative, toward schools and the child's capacity, have a great impact on the child's enrolment, persistence and attainment,"[69] with UNICEF reporting that:

> Children whose parents have primary school education or less were more than three times as likely to have low test scores or grade repetition than children whose parents have at least some secondary schooling […] Parents with little formal education may also be less familiar with the language used in school, limiting their ability to support learning and participate in school-related activities.[70]

This position was corroborated by many of our interviewees, who believed that in many cases children's low enrolment and attainment could, in part, be contributed to a lack of parental engagement that stemmed from a dearth of adult education and literacy programs in the camps (Interviewees 3, 14). However, it was also noted that the few existing opportunities for adults do assist in strengthening community perceptions of education by generating parental awareness of the socio-economic benefits of proving education for one's children (Interviewees 3, 8, 9, 10, 14).[71]

Throughout the interviews, two key issues were continually identified by participants as implicating community and parental support of youth education: culture and gender. Family responsibilities, domestic duties, and cultural norms were cited as preventing women and girls from participating in NGO programs, including formal schooling (Interviewees 2, 3, 5, 6, 7, 8, 13, 15). Moreover, interviewees spoke of how girls are frequently victims of gender-based violence, including: early, arranged, or forced marriages; shame and exclusion from poorly performed female genital mutilation practices; and mothers practising commercial sex or brewing alcohol in the home, exposing girls to rape, abuse, STIs, and HIV and AIDS (Interviewees 2, 6, 12, 14). Several participants articulated that while culturally constructed gender roles have been a long-standing impediment to girls' access to education in Kenyan camps, recent efforts by NGOs have improved female attendance; Interviewee 14 elaborates:

> Girls are just considered as means of income. For [communities], [girls] are not entitled to go to school—they are entitled to be a housewife. Because when they reach a certain level, they will be forced to drop out and then get married, then give birth, then become mothers. But now, this is not the case, this is decreasing, because the communities right now, are mobilising.

Indeed, nine interviewees suggested that community outreach programs, parent-teacher associations (PTAs), opportunities for scholarships, and/or adult literacy programs are helping to mobilize parents and the community to take an

interest in educational attainment, especially for girls. Once again, it is important to reiterate that these findings represent the perspectives of practitioners and, as many scholars have articulated, institutional policies and practices among refugee service providers do not necessarily translate to internalized cultural change among the refugees themselves.[72] Thus, the mere act of NGOs targeting girls as "vulnerable" doesn't necessitate girls' increased safety or improved social status in relation to boys.[73] That said, our participants felt strongly that educational programming, particularly for women and girls at all levels, can assist with long-term gender equity and protection goals, thus corroborating Quinn's position that:

"Adopting a holistic approach to education—including not only primary and secondary education but tertiary or higher education, vocational and technical education—increases opportunities for and effectiveness of protection work."[74]

In the recent 2010 UNESCO report, *Protecting Education from Attack*, Quinn emphasizes the interdependence of all levels of education, stating: "The belief in education is strengthened when young people and adults alike have hopes of advancing their interests through learning, for themselves or for family or community members."[75]

Teacher Training Programs (TTP)

For Quinn, this independence is manifested throughout the education system, the most obvious example being the fact that primary and secondary schools require trained teachers, produced through higher education and training.[76] Interviewees repeatedly noted this correlation, suggesting that a lack of trained teachers and low requirements for qualifications resulted in poor educational attainment among children and a high turnover among staff (Interviewees 3, 7, 8, 10, 12, 15). One NGO worker explained:

> Every month we recruit. Why? Teaching is very challenging. Dealing with children is more challenging. Dealing with them when you are untrained is more challenging. So they find themselves to be in a very difficult situation […] So teachers, they find, it is better to go to other jobs that don't require this professional work and technical difficulty […] The mass movement of teachers from the education sector, to other sectors or NGOs, is very high.—Interviewee 7

Additionally, incentive workers in the camps are paid on a salary scale, whereby all refugee teachers are paid the same wage, regardless of training (Interviewee 10). In his research on education in Dadaab, Siraji, a student resettled by WUSC, found that one Kenyan primary school teacher in the camps is paid a salary comparable to ten salaries of incentive workers, and at the secondary level this rises to fifteen salaries.[77] He also found that this causes turnover in the camps, as the stressful conditions are not considered equal to the pay when teachers are not adequately prepared for their work (Interviewees 3, 7, 10). As a result, UNHCR implemented a new salary scale for incentive teachers, and NGOs have initiated the following TTP to improve education quality within the camps.

In 2009, an Italian NGO, the Association of Volunteers in International Service (AVSI), sponsored 126 refugee teachers to complete a one-year distance education teaching diploma offered in partnership with Mount Kenya University, which followed the Kenyan Teacher Training College Syllabus. In May 2010, UNHCR also coordinated with Masinde Mulito University in Kenya to run a fifteen-week in-training program for 100 refugee teachers, offering teaching accreditation through simultaneous part-time teaching and afternoon professional development training. The positive impact of TTP was noted by five participants (2, 3, 7, 8, 10) who believe that training has contributed to an increase in school standards and student attainment.

With the majority of teachers in the camps being untrained, teachers often experience harsh working conditions, which can result in low self-esteem—all of which contributes to high turnover (Interviewees 7, 10). UNHCR and NGOs are attempting to provide training and development opportunities to refugee incentive teachers, but this is difficult due to the aforementioned encampment policies in Kenya and the inability to utilize modern technology for online education training due to geographical restrictions and high cost (Interviewees 2, 3, 4, 9, 11, 12, 15). It could also be argued that some teachers experience a lack of motivation to improve the education system, as there is no direct correlation between training and improved economic situation.[78] However, findings indicate that UNHCR's new salary scale for incentive teachers, based on training and experience, is having a positive impact on teacher performance and student attainment. According to Siraji,

> Through the [teacher training] scholarship program, many untrained refugee teachers had the opportunity to upgrade and acquire teaching skills […] The trained teachers came back to the camps [to be] absorbed in the education sector with a higher pay in lieu of the untrained teachers […] The pay rise of the trained teachers acted as a driving force for many [teachers] to scramble to further their studies.[79]

TTP has been strengthened by innovative collaboration with local Kenyan universities, such as Masinde Mulito University, which runs in-service teacher-training programs whereby teachers receive training on-site while

continuing to teach within the camps. Additionally, bringing experienced teachers into the camps allows for mentorship and professional development, at a lower cost than sending numerous refugee teachers outside, which would also create a gap in the teaching force. Interviewees 3 and 15 noted that a new collaboration with Kenya's Centre for Distance and Online Learning may also address the need to assist with supervision and support for teachers by offering further development training opportunities through CD-ROMs and limited Internet, also at a lower cost than on-site training. These findings demonstrate what Chambers describes as an effort to use "technologies to decrease rather than increase disparities," as "e-learning eliminates the barriers of time and distance, creating universal learning-on-demand opportunities for people."[80]

Higher Education

These models of e-learning, distance education, and university partnership exemplify the benefits of exploring "alternative, flexible modes of delivery and accreditation systems."[81] Not only have such efforts been encouraging in a TTP context, but they have also generated more opportunities for higher education.

Distance Learning

Distance learning is rapidly expanding in the Global South, particularly in Sub-Saharan African, and as of the twenty-first century, "the five largest programs in the world are all based in developing countries."[82] One of the benefits of distance learning and ICT models in contexts of displacement and exile is that they can enable the development of transferable skills which later assist refugees with re-integration into the state system.[83] In Kakuma, Jesuit Refugee Service implements a distance learning program with the University of South Africa, whereby an institutional partnership allows for thirty students per year to receive scholarships to complete diplomas in community development or public health. Additionally, in June 2010, JRS formed further partnerships with American Jesuit universities to provide further distance learning opportunities for twenty refugee students (Interviewees 2 and 3). In 2011, JRS expanded this program to one hundred refugees, providing a three-year diploma, accredited by US-based Regis University in Denver, Colorado, in humanities, leadership, business studies, or communication.[84] However, there are challenges: Interviewee 2 reported that Internet is costly and unreliable, meaning that few students can participate in the program at any given time, with numerous problems in obtaining the necessary materials to study effectively. We observed this challenge first-hand during visits to schools and local offices, where loading an Internet page took up to

four minutes, something which would take less than two seconds in Nairobi, and only one computer could access the Internet at a time, resulting in long waiting times for students hoping to use technology for learning. JRS reports to have combatted these issues by "partnering with companies like Safaricom, Libco and Microsoft," offering the best possible Internet connections and computer programs, including a brand new computer lab, where over twenty computers each have access to the Internet.[85] Interviewee 15 noted that three organizations have computer labs (JRS, WTK, and Don Bosco), but that refugees can only use them when registered for appropriate courses.

Scholarships

In addition to distance education programs, plus funding boarding school scholarships for girls, vulnerable children, and those with disabilities, JRS also sponsors students to attend Kenyan universities, with the belief that higher education will provide skills for repatriation and will inspire other refugees to achieve (Interviewee 3). WTK also works to establish Memorandums of Understanding with Kenyan universities, classifying refugees as domestic students for fee assessment purposes; at the time of our research, agreements were signed with four Kenyan universities. WTK and UNHCR also provide over one hundred in-country scholarships for students to attend these universities, while sponsoring over thirty per year to complete graduate studies at universities in the United Kingdom.

Other higher education scholarship programs include: the World University Service of Canada Student Refugee Program (SRP); the Albert Einstein German Academic Refugee Initiative Fund (DAFI); DDPuri; and the Dadaab Young Women Scholarship Initiative (DYWSI). The SRP sponsors approximately thirty-five students from Kenyan camps each year to Canada, who arrive as permanent residents and receive a university scholarship.[86] DAFI, funded by Germany, operates around the world and provides local sponsorship for refugees to attend universities in Africa, focusing on girls and those with disabilities. DDPuri provides scholarships for teachers to attend Kenyan colleges and to return on holidays to assist with education in the camps. DYWSI is a new initiative whereby the US organization Matawi funds young women's scholarships in Kenyan universities.

Siraji, in his WUSC student report on the effects of scholarships on refugee attainment, noted the following findings regarding education in the camps:

> While the number of DAFI students is small, their impact is huge because of their areas of expertise. Some work in business and government, others are employed by UNHCR and other United

Nations Agencies (19) […] [Additionally], the establishment of secondary school scholarship opportunities in the camps added to the hard work and subsequent good performance in primary schools.[87]

There is also a unique case of a student who achieved the highest-ever grades in Dadaab and placed eighth overall in Kenya, receiving a full scholarship to Princeton University. While this occurrence was extremely rare, Siraji notes: "The securing of scholarship by [the student] at Princeton acted as the defining moment in the lives of many, as it acted as an overwhelming impetus for many students to work hard."[88]

While five participants reported the positive impact of scholarships on educational attainment, both in-country and international, Byamungu cites additional challenges with scholarship programs, such as how eligibility criteria favour youth under the age of twenty-five, providing few opportunities for adults or learners who have had a break in schooling, a common occurrence in the camps.[89] There have also been years in which there was no funding available for DAFI and DDPuri scholarships, for example, diminishing student morale. Byamungu and Siraji, along with Interviewees 2 and 3, noted that scholarships are also aimed at single individuals, but most youth in the camps are often supporting families or extended families, causing resentment and hostility.[90] There was also a noted debate surrounding "brain-drain," as three interviewees explained the lower cost of funding refugees to attend educational institutions locally rather than internationally, meaning that "more people could be helped who would return to their countries to make change, rather than staying abroad" (Interviewee 3). However, a former refugee student also noted:

> On graduation and completion of their scholarships, students are mandated to return to the camps as the permit to stay in Nairobi expires on their graduation. Consequently, on returning to the camps, they will not secure paying jobs except as incentive employees with the agencies, as there are no work permits [allowed] for refugees. Their redundancy in the camps frustrates everybody that had confidence in them as the paper-made diplomas and degrees don't make much difference in their lives […] The promises of the foreseeable future for the few lucky-come-lucky ones are barricaded by another Berlin wall that can only be destroyed through resettlement or the provision of work permits.[91]

Community Secondary Schools

The chance to go abroad for higher education does not necessarily signify a complete divergence from the camp education system. For example, in 2008, students sponsored through the SRP began an association called Students for Refugee Students (SRS) in order to raise additional funding for supplies and textbooks in for the Community Secondary Schools in Dadaab. Furthermore through trans-national communications, many students in SRS endeavour to remain active community mentors for community school students and teachers.

The establishment of Community Secondary Schools—one in each sub-camp—began as an idea put forth by community leaders in Dadaab in response to the limited absorption capacity of existing secondary schools in the camps (Interviewee 1). Through a Memorandum of Understanding between UNCHR, Care, and the community in 2008, the refugees accepted responsibility for paying for incentive teachers and school supplies, while Care provided support in the management and running of the schools, and UNHCR assisted in liaising with donors.[92] However, as of 2010, Dadaab's secondary schools, including community schools, have been transferred from Care's mandate to that of WTK. While infrastructure and funding were partially supplied by international donors, including UNHCR goodwill ambassador Jesús Vázquez from Spain, who sponsored one school (Interviewee 7), the community has used transnational networks to obtain funding for supplies and books. They further decided to charge an annual school fee of 2,700 Kenyan shillings ($30 USD), using the fees to pay incentive teachers.

As SRP scholarship winners are secondary graduates who must wait one year before resettling to Canada, many of these students volunteered to be teachers in the schools, with PTAs being an active component of school and student accountability. Together with the assistance of the donor community, parents and young adults in the refugee community were able to mobilize their efforts and double the provisioning of secondary school in the camps. This remarkable accomplishment illustrates how opportunities for higher learning can bolster parents' value for education and provide young adults with the chance to give back to their community, be it through teaching, activism, or remittances.

Concluding Comments and Recommendations

In this paper we have demonstrated how access to higher education, in contexts of protracted displacement, is beneficial to refugees not only once a durable solution has been found, but also during times of conflict and exile. Opportunities for higher learning can provide refugees with the skills needed to improve camp conditions, either as incentive workers, as teachers for NGOs, or through transnational efforts such as the Students for Refugee Students association. As Quinn points out, a community's "belief in education is strengthened when a fully functioning, holistic

system of education is in place; when primary education holds some possibility of passage to secondary, vocational or technical levels, or even to university."[93] This also holds true in refugee camps, where higher education programs can help strengthen community learning, cultivate social development, promote ideas of gender equality, and reduce youth social deviancy by encouraging school attendance.

While educational opportunities that exist outside of the camps, such as the WUSC SRP, can provide beneficiaries with opportunities for durable solutions, and while these opportunities support refugee communities through remittance sending, they should not overshadow the importance of educational opportunities within the camps. Higher and adult education programming in Kakuma and Dadaab facilitates mentorship and professional development opportunities for refugee teachers and incentive workers, enhancing refugee self-sufficiency as well as the overall quality of education provision. Moreover, in-camp training and education are more cost-effective, reduce gaps in the workforce when teachers must leave, and are more in line with Kenya's current refugee encampment policy.

Our findings are particularly salient as commentary on the "relief versus development" framework. Currently, higher education cannot be prioritized in a donor-driven environment, structured to maintain a state of "permanent temporariness."[94] By failing to recognize the protracted nature of refugee situations in order to maintain this narrative of temporariness, donors restrict themselves from providing opportunities for learning and skills development beyond primary and secondary education.

The educational realities in refugee camps in Kenya suggest that international efforts should advocate for education as a central part of both emergency relief efforts and as a long-term development solutions. We agree with Kaiser that, although "developmental approaches promise a number of advantages in protracted refugee situations," they must be pursued within frameworks which ensure that protection, and legal and socio-economic needs, remain at the fore.[95] To achieve the desired policy change, host states must come to understand the social benefits of education for both refugees and local communities as a rationale for implementation; this would also address the criticism that the development model is often label-based rather than needs-based, creating tensions between host communities who are "poor" and those who are "refugees."[96]

During our time in Kenya, we witnessed the indomitable spirit of refugee communities who pursue education in times of conflict and instability. According to many of our informants, care and maintenance are not enough—service provision should be expanded to provide skill development opportunities (Interviewees 3, 7, 8). Protracted refugee situations call for long-term planning, and this must begin by interrogating the temporality of development assistance. Educated refugees often return to camps or work from abroad to raise educational attainment for others in their communities;[97] moreover, educated refugees can provide invaluable expertise for development if repatriated or settled in a new country. As such, opportunities for adult and higher education "should be understood within a forward-thinking framework of development, rather than in terms of aid or assistance."[98] In sum, if provided with the necessary opportunities for higher learning, refugee communities can actively contribute to the type of creative, culturally specific solutions to twentieth-century challenges that the international community is seeking.

Notes

1. Nancy Birdshall, "Public Spending on Higher Education in Developing Countries: Too Much or Too Little," *Economics of Education Review* 15, no. 4 (1996); David Bloom, David Canning, and Kevin Chan, "Higher Education and Economic Development in Africa" (Washington, DC: World Bank, 2005); Wout Van Den Bor and James Shute, "Higher Education in the Third World: Status Symbol or Instrument for Development?," *Higher Education* 22 (1991); Task Force on Higher Education and Society, "Higher Education in Developing Countries: Peril and Promise" (Washington, DC: World Bank, 2000).

2. Basic education includes education at the primary and secondary level, both formal and non-formal; see UNESCO 2000, http://www.unesco.org/education/efa/wef_2000/regional_frameworks/frame_europe_north_america.shtml. Such priorities were manifested in a severe deterioration of higher education in Africa; while the World Bank's education-sector spending from 1985–89 was at 17 per cent, this dropped to 7 per cent between 1995 to 1999. See Bloom, Canning, and Chan, "Higher Education and Economic Development in Africa"; see also Joel Samoff and Bidemi Carrol, "Conditions, Coalitions, and Influence: The World Bank and Higher Education in Africa," in *Annual Conference of Comparative and International Education Society* (Palo Alto: Stanford University, 2004).

3. Bloom, Canning, and Chan, "Higher Education and Economic Development in Africa."

4. Task Force on Higher Education and Society, "Higher Education in Developing Countries: Peril and Promise" (Washington, DC: World Bank, 2000); Wout Van Den Bor and James Shute, "Higher Education in the Third World: Status Symbol or Instrument for Development?," *Higher Education* 22 (1991).

5. Van Den Bor and Shute, "Higher Education in the Third World."

6. Task Force on Higher Education and Society, "Higher Education in Developing Countries: Peril and Promise" (Washington, DC: World Bank, 2000).

7. Ibid.; World Bank, *Financing Higher Education in Africa* (Washington, DC: World Bank, 2010).

8. Van Den Bor and Shute, "Higher Education in the Third World."

9. Joel Samoff and Bidemi Carrol, "Conditions, Coalitions and Influence: The World Bank and Higher Education in Africa" (paper presented at the Annual Conference of the Comparative and International Education Society, Salt Lake City, March 8-12, 2004).

10. Ibid., 15.

11. Bloom, Canning, and Chan, "Higher Education and Economic Development in Africa.

12. "Constructing Knowledge Societies: New Challenges for Tertiary Education" (Washington, DC: World Bank, 2002), xix.

13. UNESCO, Dynamic Data Mapping, Global Monitoring Report 2008, http://www.unesco.org/en/efareport/ddm/.

14. UNHCR, "Protracted Refugee Situations," Executive Committee of the High Commissioner's Programme, Standing Committee 30th meeting, EC/54/SC/CRP.14, 10 June 2004; US Committee for Refugees, "World Refugee Survey 2004" (Washington, DC: USCR, 2004).

15. Birdshall, "Public Spending on Higher Education in Developing Countries"; Task Force on Higher Education and Society, "Higher Education in Developing Countries: Peril and Promise" (Washington, DC: World Bank, 2000); Bloom, Canning, and Chan, "Higher Education and Economic Development in Africa; "Financing Higher Education in Africa," in *Directions in Development: Human Development* (World Bank, 2010); Van Den Bor and Shute, "Higher Education in the Third World."

16. Task Force on Higher Education and Society, "Higher Education in Developing Countries: Peril and Promise" (Washington, DC: World Bank, 2000).

17. Bloom, Canning, and Chan, "Higher Education and Economic Development in Africa.

18. NGO Network of Integration Focal Points, "Policy Briefing on Access to Vocational Training and (Higher) Education for Refugees and Migrants in Europe ," 1, http://www.epim.info/wp-content/uploads/2011/02/ECRE-Policy-Briefing_Vocational-training-higher-education.pdf.

19. Gil Loescher and James Milner, "A Framework for Responding to Protracted Refugee Situations," in *Protracted Refugee Situations: Politics, Human Rights and Security Implications*, ed. Gil Loescher et al. (Tokyo: UN University Press, 2008).

20. Barbara Zeus, "Exploring Paradoxes around Higher Education in Protracted Refugee Situations," in *Borderless Education: The Provision of Tertiary Degree Programmes to Long-term Refugees* (Toronto: Centre for Refugee Studies, York University, 2010), 6.

21. L. Davies, "Capacity Development for Education Systems in Fragile Contexts" (working paper, Centre for International Education and Research, University of Birmingham, in collaboration with the European Training Foundation (ETF) and Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), Sector Project Education and Conflict Transformation, 2009), 15; P. Buckland, "Reshaping the Future: Education and Postconflict Reconstruction" (Washington, DC: World Bank, 2005); K. Bush and D. Saltarelli, "The Two Faces of Education in Ethnic Conflict: Towards a Peacebuilding Education for Children" (Florence: UNICEF Innocenti Research Centre, 2000); L. Davies, *Education and Conflict: Complexity and Chaos* (London: Routledge, 2004); L. Davies, *Educating against Extremism* (Stoke-on-Trent: Trentham, 2008); OECD, "Service Delivery in Fragile Situations: Key Concepts, Findings and Lessons" (OECD-DAC discussion paper, OECD, Paris, 2008); P. Rose and M. Greeley, "Education in Fragile States: Capturing Lessons and Identifying Good Practice" (paper prepared for the DAC Fragile States Group, 2006); K. Seitz, "Education and Conflict: The Role of Education in the Creation, Prevention and Resolution of Societal Crises—Consequences for Development Cooperation" (Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeitft TZ, 2004).

22. Zeus, "Exploring Paradoxes around Higher Education in Protracted Refugee Situations," 4.

23. Jandranka Mimica and Paul Stubbs, "Between Relief and Development: Theories, Practice and Evaluation of Psychosocial Projects in Croatia," *Community Development Journal* 13 (1996): 283.

24. Ibid.

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64. Participants who were willing to have their interviews recorded were asked to provide us with their email contact information if they wished to review the transcripts.

65. The term "incentive worker" refers to a refugee who works for a UN or NGO agency in exchange for monthly "incentive" payments, which are usually substantially lower than the monthly wages of non-refugee staff.

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The Politics of Formal Schooling in Refugee Contexts: Education, Class, and Decision Making among Congolese in Uganda

Christina Clark-Kazak

Abstract

Based on ethnographic research with over four hundred Congolese refugees in Kampala and Kyaka II refugee settlement, Uganda, this article interrogates the politics of education—both historically in the Democratic Republic of Congo and currently in migration contexts in Uganda. Formal education was an aspiration for all young people in the study, irrespective of current educational level. Moreover, it is a priority for the United Nations High Commissioner for Refugees (UNHCR) and many other organizations working with refugees. Drawing on the experiences and views of Congolese young people, this article analyzes the socio-political importance they accord to formal schooling. It then analyzes the degree to which these political aspects of education are manifested in daily decision-making processes in families, households, communities, and high-level politics. The author concludes with some reflections on how researchers and practitioners working in migration contexts can recognize and take into account the politicized nature of education.

Résumé

Se basant sur des recherches ethnographiques réalisées auprès de plus de quatre cents réfugiés congolais dans les camps de Kampala et de Kyaka II, en Ouganda, cet article s'interroge sur la politique de l'éducation, à la fois d'un point de vue historique, dans la République populaire du Congo, et d'un point de vue contemporain, dans le contexte de la migration en Ouganda. Tous les jeunes gens interrogés dans le cadre de la recherche aspiraient à faire des études scolaires, peu importe leur niveau de scolarisation actuel. En outre, l'enseignement est une priorité du Haut Commissariat des Nations Unies pour les réfugiés (UNHCR) et de nombreuses autres organisations travaillant avec des réfugiés. S'appuyant sur les expériences et les opinions des jeunes du Congo, cet article analyse l'importance sociopolitique que ces derniers accordent aux études scolaires. Il cherche ensuite à définir dans quelle mesure les aspects politiques de l'éducation se manifestent dans les procédures de prise de décisions quotidiennes des familles, des ménages, des communautés et des hautes sphères politiques. L'article se termine par des réflexions sur la façon dont les chercheurs et les praticiens travaillant dans des contextes de migration peuvent reconnaître et tenir compte de la nature politisée de l'éducation.

Introduction

As part of a larger research project focussing on the political narratives and experiences of Congolese young people living as refugees in Uganda,[1] over four hundred research subjects were asked about their aspirations for the future. *All* respondents, despite varying levels of formal education from none to university level, cited further studies as one of their goals. Similarly, development and refugee agencies prioritize formal schooling, citing it is a solution to many problems, from high birth rates to infant mortality.[2] Education specialists are better placed to evaluate these claims and the technical merits of different types of formal schooling in refugee settings.[3] Instead, in this article, I explore the political reasons for this convergence of opinion about the importance of education. In particular, I interrogate the ways in which formal education is implicitly and explicitly linked to class and power relations—both historically in the Democratic Republic of Congo (DRC), as well as in contemporary situations of displacement for Congolese refugees in Kampala and Kyaka II refugee settlement in Uganda. Through an analysis of decision making at household, community, and policy levels, the article also highlights the ways in which power relations create opportunities and

barriers to realizing the anticipated political benefits of formal schooling.

Research findings reveal that formal education impacts power relations within families and households, particularly amongst peers. Similarly, schooling facilitates young people's access to, and visibility in, formal community decision-making structures. In high-level politics, such as access to political office, however, the benefits of formal education for refugees are less clear-cut. While education intersects with class and provides some political visibility, it does not necessarily lead directly to the tangible economic and political benefits for which many young Congolese in refugee contexts hope. This analysis of the politics of education at family, household, community, and policy levels demonstrates the importance of recognizing and taking into account the politicized nature of formal schooling when working with refugees. The article concludes with some implications for research and practice.

Research Context, Methodology, and Conceptual Framework

Research presented in this article was carried out with Congolese refugees in Kampala and Kyaka II refugee settlement from September 2004 to December 2005. Uganda's capital city, Kampala is a large urban centre that has attracted migrants from across the country, as well as neighbouring states in the Great Lakes region. However, according to the settlement policy in Uganda at the time of research,[4] refugees are not officially supposed to live in the city and thus do not receive humanitarian assistance or have access to social services. In contrast, Kyaka II is a designated refugee settlement in an isolated, rural area of western Uganda. Refugees arriving in the settlement are registered, documented, and allocated a plot of land, where they are supposed to engage in subsistence farming under the United Nations High Commissioner for Refugees (UNHCR)/Government of Uganda self-reliance strategy.

I collected data using a variety of qualitative methods, including semi-structured interviews, focus group discussions, writing exercises, and observation. Over four hundred research subjects were identified using snowball and purposive sampling. Snowball sampling can result in bias towards respondents who share certain characteristics and/or are more visible, thereby undermining representivity.[5] Purposive sampling was thus also used to identify research subjects through multiple entry points. Despite time and logistical constraints, the study sought to include young people of different ethnicity, sex, and age, living in different circumstances. I carried out research, without interpretation, in French, English, and basic Swahili. However, due to my limited Swahili language skills, the research over-represents people who could speak some French or English and hence had completed some formal education. There is a consequent bias towards middle-class research subjects. I have translated all direct quotations in French or Swahili into English.

Data included in the article were collected as part of a larger study exploring the political engagement of young Congolese refugees in Uganda. The research took as its point of departure an approach to young people as political actors and interrogated the ways in which young people engaged in decision making at family, household, community, and policy levels. In this way, the study was not specifically focused on education. Rather, education—particularly higher education—emerged as a theme in discussions with young refugees about their plans and hopes for the future. When probed about the reasons why they aspired to higher education, many cited a belief that formal schooling would bring them status and hence greater access to decision making. This paper explores these political meanings ascribed to formal education and the degree to which they are realized for young people in the study.

My political analysis takes into account both formal high-level political processes and the politics of everyday life. Such an approach "challenges the conventional view of politics as limited to formal processes of governments and market relationships in the public sphere."[6] Both refugees and young people are noticeably absent, and usually legally excluded, from these high-level institutions and the formal economy. In Uganda, for example, refugees are legally prohibited from participating in political activities, while in the DRC, people under the age of eighteen are legally disenfranchised. However, Congolese young people are integral—although not necessarily equal—members of households, families, and communities in Kyaka II and Kampala. Building on the feminist notion that the personal is political, this article broadly conceptualizes "politics" to include decision-making processes from family to policy levels: "The political cannot be restricted to a certain type of institution, or envisaged as constituting a specific sphere or level of society. It must be conceived as a dimension that is inherent in every human society and that determines our very ontological condition."[7] Such an approach allows an interrogation of the ways in which access to, and experiences of, formal education are inherently politicized—that is, bound up within power relations and linked to decision-making processes and structures.

In this article, "young people" refers to all individuals who have passed puberty, but who have not yet married. This is a social definition that emerged from the majority of my research subjects' experiences and views on childhood, youth, adulthood, and old age in their changing social

contexts. Such a perspective differs from many prevailing chronological definitions of children and young people that are codified in international law, particularly the United Nations Convention on the Rights of the Child and the African Convention on the Rights and Welfare of the Child. It is these legal chronological definitions that are the basis of programmatic interventions by many organizations working on the ground. However, many scholars have argued that childhood is socially constructed in particular times and places.[8] In this paper, "social age" is thus distinguished from biological development in a way similar to gender and sex.[9] A social age analysis takes into account the socially constructed roles ascribed to children and young people, as well as power dynamics in inter- and intragenerational relationships. In this paper, particular attention will be paid to these micro-level politics in relation to formal education and access to decision making in families and households.

The term "refugee" is used to describe the circumstances of people who have come to Uganda in the context of generalized conflict and insecurity in the DRC. It therefore applies not only to those who have been legally recognized as refugees by the Government of Uganda and/or the UNHCR, but also to those who self-identify as refugees but have not formally registered as such with UN and government officials. In keeping with many of my informants' self-definition, I prefer to use the term "Congolese" rather than "refugee" to describe them.

Finally, in this paper, education is used narrowly to refer only to formal, classroom education. While it is recognized that young refugees may also experience other forms of education, including mentoring and apprenticeship, in keeping with the theme of this special issue, I will focus solely on formal schooling here.

Illustrative Case Study: Marie's Experiences

I will now highlight the experiences of one young Congolese woman, "Marie,"[10] as an illustrative case. The following is an excerpt from a much longer narrative, which was constructed over several interviews and meetings with Marie during ethnographic research over a fifteen-month period.[11] Marie's situation is not intended to be representative of all four hundred Congolese young people in the study. Indeed, her experiences are exceptional because she is one of very few refugees to win a scholarship to study at university. Rather, her story illustrates some broader themes about the politics of education that will be compared and contrasted with the experiences of young people from the larger dataset, some of whom I cite in the analysis below.

Marie is from Bukavu, South Kivu, in eastern DRC. While fleeing armed conflict in 1996 (when Marie was in her early teens), she was separated from her family. Upon arrival in Uganda, Marie went to Kyangwali refugee settlement to look for her family. She met another Congolese family, with whom she stayed until 1998. Marie initially supported herself by selling cloth until she won a scholarship from the Hugh Pilkington Charitable Trust (now the Windle Trust) to study social work and social administration at university. While she was on scholarship, "they paid for everything."

After completing her bachelor's degree in late 2003, Marie looked for employment. Despite her university qualification in an applied field and knowledge of English, French, Swahili, and Luganda, she was unable to find work. So, she volunteered at a refugee organization as a translator. She also did some counselling there, and felt like she was able to practically use her social work degree. Marie received a small stipend of 5,000 USH[12] for each day she volunteered and thus earned enough to pay basic expenses, including 30,000 USH room rent. However, in May 2004, the refugee organization, citing confidentiality reasons, decided that it would no longer use refugees as translators. Marie then tried to make ends meet by giving English and French lessons for 10,000 USH per student per month. She also continued to look for work at other refugee and development organizations, but has been unsuccessful. Marie believed that she was being discriminated against because of her nationality. With the high level of unemployment in Uganda, Marie assumed that the Ugandan government put pressure on organizations to hire Ugandans.

In 2000, she discovered that her sixteen-year-old sister and thirteen-year-old nephew were living in an orphanage in Bukavu, run by a Catholic priest. Marie did not know where the rest of her family was and has lost hope of ever finding them. In July 2004, her sister and nephew came to live with her in Kampala after fleeing renewed fighting in Bukavu, during which her sister was raped.

Marie was actively involved in an association for refugee youth in Kampala and had strong opinions about UNHCR policy and issues facing Congolese young people. She argued that UNHCR should do more to help Congolese young people to study, "since you need education for a better future."

By January 2005, Marie was finding it increasingly difficult to make ends meet in Kampala through odd teaching jobs. UNHCR had rejected her application for resettlement, saying that she had "durable solutions" in Uganda because of her education and knowledge of languages. However, Marie felt that they did not understand her challenges in finding work and integrating into Ugandan society.

In August 2005, Marie's cousin and sister returned to the DRC because it was too difficult for her to support them without a stable income. In October 2005, her brother,

who had been living in South Africa, died. Marie collected money from friends and family in order to buy a plane ticket to South Africa, so she could attend the funeral. By the end of my fieldwork in December 2005, she had not returned to Kampala.

Despite the uniqueness of Marie's case, it illustrates several themes about the politics of education, which are reflected in the broader dataset. First, as mentioned in the introduction, every young person in my study, despite their very different backgrounds, cited education as a hope for the future. Indeed, even though Marie had not yet tangibly benefited from her university degree in terms of stable employment, she insisted that UNHCR should provide young people with more educational opportunities "since you need education for a better future." This belief in a "better future" through education echoes many other young people's views. For example, David, a young Congolese male in Kampala, said, "I know that a good future depends on education. If I have a good education, the future will be OK." According to eighteen-year-old Gaston in Kyaka II, because he has never studied, he thinks that he will have "a bad future." Beaumont, living with his family in Kyaka II, reported that he could only consider the future after completing school: "If I had the means, I could study. After my studies, I could make plans." This convergence of opinion is interesting: why do research subjects consider education to be so important for their future goals?

The following sections demonstrate how young people aspire to and/or use formal schooling as a means to greater decision making at household, community, and policy levels. This political analysis highlights the transformative potential of education, but also the ways in which formal schooling may entrench power relations, particularly through class and differential access. In this way, formal education only partially fulfills the aspirations that Marie and the other young people in the study attribute to it, especially in terms of high-level politics.

High-Level Politics, Class, and Power

Before analyzing the relationship between formal education and high-level decision making in refugee contexts in Uganda, it is important to foreground this discussion within the historical context in the DRC. There, since colonization, education has been a means to social status, wealth, and political power. Under Belgian rule, Congolese with formal western education qualified for white-collar employment and occupied a special status as *évolués* (literally translated as "evolved people"), which they passed on to their children.[13] At independence, *évolués* consolidated their position as members of the upper middle class and political elite.[14]

Formal education thus partially determines social class in the DRC, with important political implications.

Similarly, many Congolese living in Uganda identified the intersection of education and socio-political status, as shown in my analysis of data from writing exercises collected from 148 (107 male and 41 female)[15] students in secondary school and upper-level primary school in Kyaka II refugee settlement. These written statements reveal a widespread belief among students that education will enable them to become "big people" (including: teacher, headmaster, doctor, nurse, bank manager, lawyer, engineer, NGO driver, pilot, tax collector, police official, minister, Member of Parliament, president) with "important" decision-making roles. For example, one male student wrote, "In the future, I want to be a doctor treating people because someone who has education has the right to speak in the community." Similarly, another young male argued, "If you are talking in public, they will listen to you." On several occasions, Peter, a youth leader in Kyaka II, described the perceived link between education and leadership and decision-making opportunities. When asked about his future aspirations, he said, "My plans are very big. I don't know if they will come. I want to study. Then I can be a leader and do my best to explain the problems facing refugees in public … in the UN." In a later discussion about the political situation of people from the Hema ethnic group in the DRC, Peter returned to the topic of formal schooling: "I need education to protect myself when I go back. We the Hema are cattle keepers and they say we're not supposed to study. No one can see us as educated, as a president, a doctor, a minister. But, if we come back educated, they will see that Hema can also be politicians, so will harass Hema less."

Peter's belief in education as a way to political leadership is echoed by many others in my study. Some young people, such as eighteen-year-old Francis, who lives with peers in Kyaka II, believe that educated leaders will bring peace and development to the DRC: "You can bring development when you finish your education." Similarly, Eric and Etienne, self-described "intellectuals" and members of a refugee association in Kyaka II, would like to study at university and return to the DRC to "help the common people" and "to contribute to the reconstruction of my country," respectively. Philippe, a male adult in Kyaka II, declared that his "only wish" was for his children to study "so that they can become people to lead our country. Otherwise, how can one lead? […] We need a man who is well cultured and wise." Philippe's use of the word "man," and the fact that all other examples (except Marie) cited above come from males, is reflective of differential gender implications of education, as will be discussed in the final section below.

While the expected benefits of formal schooling in terms of political leadership and access to high-level decision making are clear, the tangible value of education for Congolese young people living in refugee contexts in Uganda is ambiguous, as illustrated in Marie's case. Despite her university education, she is unable to find full-time employment. The assumed causal connection between formal schooling and higher-paying, white-collar jobs is thus not necessarily reflected in the experiences of young people in this study. In contexts of widespread poverty and unemployment, such professional positions may be scarce, and priority could be given to citizens of the host country, as in Marie's case. Moreover, formal education does not necessarily prepare graduates for the working class jobs that *are* available. Schooling removes young people from the labour force for the duration of their studies, during which they may not benefit from practical apprenticeships and on-the-job experience that they otherwise would have gained.[16] More importantly, the status attached to formal education and the societal expectations of white-collar work make graduates reluctant to take on jobs that are available and potentially lucrative, but are perceived to be "below them." For example, Marie made good money selling cloth before she started university. However, now that she has a degree, she would not consider any kind of petty trading, believing that the only jobs worthy of her education are in NGOs, multilateral agencies, or teaching.

Indeed, those refugees from urban, educated backgrounds who found themselves living beside uneducated Congolese in Kampala's slums and Kyaka II refugee settlement often self-identified as "intellectuals" to distinguish themselves from others whom they regarded as "peasants" or "villagers." Philippe, the adult head of family cited above, described his life in Kyaka II: "It is not good here because we Congolese, we are used to having money and living a bourgeois life. Now we are like villagers. We have moved 12,000 kilometres backwards. I'm an intellectual, but I find myself here like a small ant." In an informal discussion with self-identified young *évolués*, one lamented, "After six months in this bush, I will no longer be an intellectual." This differentiation amongst refugees demonstrates the continued relevance of class in refugee contexts, even when people from different backgrounds live in similar situations. In this way, education continues to be an important marker of status in refugee communities. For example, teachers at Bujubuli Secondary School are highly respected in Kyaka II, referred to simply as "teacher" as a term of respect. They are also given credit at shops and bars. Secondary students also take pride in the visible marker of education that their school uniforms bring,

even though uniforms increase the cost of their schooling, making it unattainable for many.

In contrast, those young people who were previously educated in the DRC, but who can not afford to attend school in Uganda, keenly feel this loss of status and direction. For example, Véronique, a young women living with her family in Kampala, explains why she does not have any Ugandan friends: "I just stay at home. Ugandans go to school, so there is no way to meet them. If you don't go to school, they look at you as a ragamuffin. They see you as worthless. For me, I just cry because I want to go to school." I observed the social impact of education on Olivier, a young male who came from a prominent, wealthy family in eastern DRC. When he first arrived in Kyaka II, his mother could not afford school fees. Olivier was despondent and dismissive of the low quality of education in the settlement. However, once he started attending school in February 2005, his spirits improved dramatically. He made many friends, including Peter (cited above), with whom he discussed homework and set tests.

Community Politics and Access to Policy Makers

Social status and class are linked to another level of analysis in this study: decision making in formal community structures. Here, the link between education and political access is clear. Like Marie in the refugee youth association in Kampala, the majority of young people in leadership positions in refugee organizations and structures have at least secondary education. At the time of research, the executive committees of two such associations analyzed for this study were composed only of young people with secondary or university education. Moreover, the designated "youth" representative on the Refugee Welfare Committee, a formal representative structure in Kyaka II, was enrolled in secondary school, where he also occupied a student leadership position.

Education also increases political opportunities at a policy level because UNHCR, the Ugandan government, and many NGOs use schools as sites in which to "mobilize" young people, either to engage in "sensitization activities" or to undertake "consultations" regarding policy or programming.[17] Researchers also often use schools as convenient sites for accessing children and young people. Moreover, extracurricular activities for young people are usually based at schools, making them more accessible to those enrolled in formal education. As a result, young people in formal schooling have greater access to decision making and programming than their counterparts who do not attend school.

The ability to speak a western language is another concrete political asset of formal education. Instruction in schools is

in French in the DRC and English in Uganda. This knowledge of French or English, coupled with exposure to "sensitization" activities (described above), allows young people with formal education to speak the same language—literally and figuratively—as policy makers from NGOs, UNHCR, and governments.[18] In public debates on high-level political issues, French and English are also used as the *lingua franca* in the absence of a common national vernacular language in the DRC and Uganda, respectively. Even in the context of the study upon which this article is based, when research subjects discussed high-level political issues, including leadership, elections, and citizenship, I observed a change in their grammar and vocabulary. They used formal French in these circumstances, sometimes switching from English, even when this excluded non-francophone peers. Research subjects are more eager to learn English than Luganda in Kampala and Lutoro in Kyaka II. For example, Bondeko, a young male who lives with his younger sister in Kampala, takes English lessons at Jesuit Refugee Services, but is not interested in learning Luganda: "At least English is an international language." This analysis shows that formal schooling increased young people's access to formal decision-making structures in communities, as well as made them more visible to policy makers.

Education and Social Age:
Micro-politics in Families and Communities

At the third level of analysis, formal schooling is important in the micro-politics of everyday interactions in families and communities. First, knowledge is an attribute of social age[19] in many Congolese groups. Historically, knowledge has been equated with the wisdom of experience. Research subjects, particularly adults, attributed certain levels of knowledge or intellectual development to different stages in the life cycle. They believed that children are *by definition* ignorant, young people have more knowledge, and adults, particularly elders, are inherently wise. For example, Murhabazi, an older Congolese leader in Kyaka II, defined a child as "someone who is not yet conscious of what he's doing, who can't form plans." Similarly, another male elder considered a child as "someone who doesn't reason" and a young person as "someone who doesn't understand." However, formal education is an increasingly important influence on access to decision making within families and communities, especially in contexts of migration and urbanization. While full-time education or a hiatus in studies results in prolongation of childhood or youth, education is seen as an investment that will eventually yield higher socio-political status.

Moreover, there is some evidence to suggest that formal schooling has the potential to transform intergenerational power relations, especially in migration contexts where students learn the language of the host country in school. In the present study, young people with more formal schooling than one or both parents often represent their family in interactions with refugee and Ugandan officials that require knowledge of a western language. Research undertaken in other contexts also shows how the fact that children become spokespeople for their families increases their access to decision-making processes.[20]

Education is also important for intragenerational relationships, as demonstrated in my analysis of decision making within households composed of peers. In forced migration contexts, such peer networks may be more prevalent than in home countries prior to migration due to family separation and changing social norms with respect to unmarried young people moving out of family networks.[21] In my long-term observation of various peer households in both Kampala and Kyaka II, I noted that formal schooling factored into young people's access to decision making. This is demonstrated in Marie's case, for example, by her interactions with her sister and cousin, who both dropped out of secondary school at an early age. I had little opportunity to interact with Marie's younger relatives, even when I made explicit attempts to do so. On one visit to Marie's home to interview her younger sister, for example, I instead encountered an informal discussion amongst Marie and some of her educated friends. The younger relatives were not engaged in the conversation and at one point Marie asked her sister and nephew to go and prepare tea, effectively removing them from the research site.

Similarly, in a peer household in Kyaka II composed of young people who were from the same ethnic group but were not related to one another, fifteen-year-old Dominic was the only male to attend primary school. All others were studying, or had studied, at secondary school. Although of similar chronological age to his peers, Dominic was considered to be socially younger than other males in the household and had consequently less access to decision making about collective resources and division of labour. For example, when other males were present, Dominic rarely spoke. Indeed, when asked about decision making in the household, he named Benjamin—the eldest male, who had also completed secondary school—as the person responsible. Similarly, Catherine, the eldest female in the group, described Dominic's labour as "children's work."

In analyzing the micro-politics of education in families and households, it is also important to recognize gender relations. Indeed, young men and women in this study experience and view education differently. The former believe education will open up decision-making opportunities in community and policy spaces; the latter see

education primarily in terms of negotiating power relations and decision making within families and households. This highlights the intersection of multiple subject positions, including gender, class, and social age, in determining the political salience of education.

The Politics of Education: Implications for Research and Practice

While education is often discussed in socio-economic terms, this article has highlighted the politics of education–in terms of both the political aspirations ascribed to formal schooling by young refugees themselves, and the way in which education intersects with other power relations in decision-making processes in families, households, communities, and policy spaces. The data presented in this article demonstrate that, while there is no automatic linkage between formal schooling and stable, well-paid employment, young people like Marie who complete secondary or tertiary education gain socio-political status in families and communities. Moreover, they are more likely to be visible and vocal in policy and programming decision making with government authorities, UN agencies, and non-governmental organizations.

It is important that practitioners and researchers working in migration contexts recognize this politicization of education, because it presents opportunities for social transformation, but it can also entrench power relations, especially through intersectionality with other factors, such as class, social age, and gender. On the one hand, provision of "free" or subsidized education in refugee contexts may allow access for those who would otherwise be unable to afford it. Indeed, according to the headmaster of Bujubuli Secondary School in Kyaka II, the fact that school fees are much lower than those in surrounding Ugandan and Congolese schools has been a pull factor to the settlement, including for some Congolese who were previously living in, or whose families have since returned to, the DRC. This is corroborated by data presented in this article, including the fact that young people without their parents were disproportionately represented in the secondary school. Increased access for those who would otherwise not be able to afford formal education could potentially change the socio-political landscape as "peasants" and "villagers" join "intellectuals" in schools.

On the other hand, even "free" or subsidized education is still beyond the economic means of many Congolese (and Ugandans). Those attending primary school still have to pay for books, supplies, and "community contributions" to school lunch and maintenance programs. School fees at the secondary school are still prohibitively high for many, at one point sparking a peaceful demonstration in Kyaka

II.[22] Moreover, formal education entails a prohibitively high opportunity cost for many families that rely on children's and young people's productive and reproductive labour. Indeed, school authorities at the primary and secondary schools in Kyaka II report low attendance during periods of peak agricultural activity (planting and harvest) in the settlement. This means that young people from poorer socio-economic backgrounds are less likely to go to school and/or to continue to higher levels of education.

Refugee organizations must more proactively address this intersection of language, class, and education when interacting with refugees. Similarly, researchers must consciously seek out research subjects from different socio-economic backgrounds. One concrete way to increase the visibility of working class refugees in policy dialogue and data collection is to place greater emphasis on local language training for organizations' staff and researchers. This would allow greater direct access of refugees with little or no formal education to policy makers taking important decisions about their lives. Indeed, this article has revealed the ways in which access to formal education and decision-making processes at various levels are interrelated. Overlooking the politics of education can thus undermine its transformative potential and instead entrench unequal power relations within refugee contexts.

Notes

1. Christina Clark-Kazak, *Recounting Migration: Political Narratives of Congolese Refugees in Uganda* (Montreal: McGill-Queen's University Press, 2011).
2. Nicola Ansell, *Children, Youth and Development* (London and New York: Routledge, 2005); Patricia Jeffrey and Roger Jeffrey, "Silver Bullet or Passing Fancy? Girls' Schooling and Population Policy," in *Feminist Visions of Development: Gender Analysis and Policy*, ed. Cecile Jackson and Ruth Pearson (London: Routledge, 1998).
3. See, for example: Sarah Dryden-Peterson, "Educating Refugees in Countries of First Asylum: The Case of Uganda," *Migration Information Source* (2004); Sarah Dryden-Peterson, "Education of Refugees in Uganda: Relationships between Setting and Access," (Kampala: Refugee Law Project, 2003).
4. A new refugee bill passed in 2006 currently makes it legal for refugees to live in the city and to receive assistance.
5. Karen Jacobsen and Loren Landau, "Researching Refugees: Some Methodological and Ethical Considerations in Social Science and Forced Migration," UNHCR Working Paper no. 90 (Geneva: UNHCR, 2003).
6. Carole McCann and Seung-Kyung Kim, "Definitions and Movements: Introduction," in *Feminist Theory Reader: Local and Global Perspectives*, ed. Carole McCann and

Seung-Kyung Kim (New York and London: Routledge, 2003).

7. Chantal Mouffe, *The Return of the Political* (London: Verso, 1993).

8. See, for example: Allison James, Chris Jenks, and Alan Prout, *Theorizing Childhood* (Cambridge: Polity Press, 1998); Philippe Ariès, *Centuries of Childhood*, trans. R. Baldick (Harmondsworth: Penguin, 1979); and Hugh Cunningham, *Children and Childhood in Western Society since 1500* (London: Longman, 1995).

9. Christina Clark-Kazak, "Towards a Working Definition and Application of Social Age in International Development Studies," *Journal of Development Studies* 45 (2009).

10. This is a pseudonym. All names in this article have been changed in the interests of confidentiality.

11. For the full narrative and a more detailed explanation of methodology, see: Clark-Kazak, *Recounting Migration: Political Narratives of Congolese Refugees in Uganda*.

12. Equivalent to approximately US $2.50 at the time of research.

13. Winsome Leslie, *Zaire: Continuity and Political Change in an Oppressive State* (Oxford: Westview Press, 1993).

14. See: Basile Mabusa, "The Crisis in Education: A Congolese View," in *Footnotes to the Congo Story: An 'African Report' Anthology*, ed. H. Kitchen. (New York: Walker and Company, 1967); and Wyatt MacGaffey, "Religion, Class and Social Pluralism in Zaire," *Canadian Journal of African Studies* 24 (1990).

15. The gender discrepancy is due to lower rates of enrolment and retention amongst females in higher levels of education in Kyaka II refugee settlement.

16. Ansell, *Children, Youth and Development*; Jo Boyden, Birgitta Ling, and William Myers, *What Works for Working Children* (Stockholm: Save the Children Sweden, 1998).

17. Christina Clark-Kazak, "The Politics of Protection: Aid, Human Rights Discourse and Power Relations in Kyaka II Settlement, Uganda," *Disasters* 34 (2009): 55–70.

18. See also: Marc Sommers, "Representing Refugees: The Role of Elites in Burundi Refugee Society," *Disasters* 19 (1995): 19–25.

19. For an explanation of social age, see the first section of this article and Christina Clark-Kazak, "Towards a Working Definition and Application of Social Age in International Development Studies," *Journal of Development Studies* 45 (2009).

20. See, for example: Kate Hampshire et al., "Liminal Spaces: Changing Inter-generational Relations among Long-Term Liberian Refugees in Ghana," *Human Organization* 67 (2008): 25–36; Keumjoo Kwak, "Adolescents and Their Parents: A Review of Intergenerational Family Relations for Immigrant and Non-immigrant Families," *Human Development* 46 (2003): 15–136; Edison Trickett and Curtis Jones, "Adolescent Culture Brokering and Family Functioning: A Study of Families from Vietnam," *Cultural Diversity and Ethnic Minority Psychology* 13(2007).

21. Christina Clark, "Livelihood Networks and Decision-Making among Congolese Young People in Formal and Informal Refugee Contexts in Uganda" (Brighton: Households in Conflict Network, Institute of Development Studies, University of Sussex, 2006).

22. This incident is analyzed in more detail in Christina Clark-Kazak, "The Politics of Protection: Aid, Human Rights Discourse and Power Relations in Kyaka II Settlement, Uganda," *Disasters* 34, no. 3 (2009).

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Aspirations for Higher Education among Newcomer Refugee Youth in Toronto: Expectations, Challenges, and Strategies

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Abstract

A large percentage of refugees have low levels of education and official language fluency upon arrival in Canada. This paper discusses educational goals of newcomer refugee youth from three communities in Toronto (Afghan, Karen, and Sudanese), and explores how these are linked to pre-migration and post-migration determinants. Guided by community-based research principles, we collaborated with eight refugee youth peer researchers and conducted ten focus groups and thirteen interviews with refugee youth. Results show that newcomer refugee youth develop strong aspirations for higher education in Canada as a proactive response to overcome pre-migration experiences of forced migration and educational disruptions. We then discuss how these youth negotiate educational goals in post-migration context in relation to shifts in family responsibilities and everyday encounter with multiple systemic barriers in Canada. In doing this, we examine the thin line between vulnerability and empowerment that refugee youth straddle and reveal policy gaps and contradictions in the depoliticized humanitarianism within refugee resettlement in Canada.

Résumé

Un grand pourcentage de réfugiés a un faible niveau d'éducation et une faible connaissance des langues officielles à leur arrivée au Canada. Cet article présente les buts éducationnels des nouveaux jeunes réfugiés de trois communautés de Toronto (afghane, karen et soudanaise) et examine en quoi ceux-ci sont liés à des déterminants pré et postmigration. Suivant des principes de recherche communautaire, nous avons travaillé de concert avec huit jeunes chercheurs de ces communautés, avons tenu dix groupes de discussion et réalisé treize entrevues avec des

réfugiés. Les résultats montrent que les nouveaux jeunes réfugiés aspirent fortement à une éducation supérieure au Canada en tant que réponse proactive aux expériences prémigration d'un déplacement forcé et aux interruptions dans leur éducation. Nous examinons ensuite les façons dont les jeunes concilient leurs buts éducationnels dans un contexte postmigration par rapport aux changements dans les responsabilités familiales et aux obstacles systémiques au Canada qui font partie de leur quotidien. Ce faisant, nous étudions la mince ligne entre la vulnérabilité et l'autonomisation que chevauchent ces jeunes et mettons au jour les manques dans les politiques et les contradictions dans l'humanitarisme dépolitisé de la réinstallation des réfugiés au Canada.

Introduction

With the enactment of the Immigration and Refugee Protection Act (IRPA) in 2002, Canada made firm commitments to sponsor refugees primarily on humanitarian grounds and removed restrictions on "admissibility" criteria based on medical, economic, educational, and language proficiency that are usually applied to economic immigrants.[1] Data from Citizenship and Immigration Canada (CIC) indicate that a large and growing percentage of refugees upon arrival in Canada have less than high school level education and no English or French language ability. Arrival data from 2000 to 2009 indicate that on average, refugees fifteen years and older are four times more likely than economic immigrants (32.3 per cent vs. 8.43 per cent) to have had nine years or less of schooling.[2] Since 2005, the percent of refugees fifteen years and older with nine years or less of schooling has been steadily increasing from 27.7 per cent in 2005 to 38.3 per cent in 2009. Similarly, the percent of refugees with no English or French language ability upon arrival in Canada increased from 32.6 per cent

in 2005 to 44.4 per cent in 2009. In comparison, only 21.1 per cent of economic immigrants in 2009 had no English or French language ability upon arrival in Canada.[3]

Yet literature on educational experiences of refugees is sparse. In Canada, evidence on educational pathways for refugees is particularly thin because the education sector does not collect or consider data about pre-migration experiences or arrival immigration status. Instead, sector level data on educational experiences tend to lump refugees into a single category of "foreign-born" or "immigrants."[4] There is a pressing research and policy need in Canada to better understand and overcome post-migration educational gaps and challenges that refugees face. Based on a community-based research project with refugee youth from three communities in Toronto, this article discusses the educational aspirations of newcomer refugee youth in Canada and examines how these aspirations for higher education are shaped/negatively influenced by pre-migration and post-migration factors. We situate our analysis within critical discussions about the intersection between ethical and political dimensions in humanitarian refugee policies.

Current Knowledge on Refugees and Education

Access to primary education is widely recognized as a universal right by most nations as mandated by the United Nations Convention on the Rights of the Child.[5] In many nations, this right to education encompasses post-primary levels as well. However, this fundamental right to education is often not extended to refugees. Successive reports by the UNHCR and other humanitarian agencies over the last two decades indicate that refugees and displaced people often experience multiple barriers and disruptions in education.[6] A recent report by UNESCO on armed conflict and education reported that over twenty-eight million children of primary school age are out of school in conflict-affected countries, accounting for almost 42 per cent of the population of children worldwide. In refugee camps in 2008, almost 69 per cent of children aged six to eleven years were attending primary school, while only 30 per cent of children aged twelve to seventeen years were attending secondary school.[7] School closures and drop-out rates tend to be very high in conflict-affected areas. Only 65 per cent of children in conflict-affected low-income countries completed the last grade of school, compared to 86 per cent of children in low-income countries not affected by conflict.[8] In Afghanistan, school-aged children lost on average 5.5 years of schooling during times of conflict from 1978 to 2001.[9] There is little mention in these reports about tertiary education, which suggests that tertiary education for refugees remains a very low global priority.[10] In 2003, UNHCR reported that

tertiary and vocational level programs accounted for only 3 per cent of all UNHCR supported education programs.[11]

Graca Machel's landmark report *The Impact of Armed Conflict on Children* released in 1996 underscored that access to quality education is "essential," and not secondary, to promoting welfare and peace during armed conflict and forced migration contexts. Since this report, a number of international initiatives have been mobilized in this direction.[12] For example, the Inter-Agency Network for Education in Emergencies was established in 2000 to ensure that nations meet minimum standards of education in emergency and conflict situations. Between 2006 and 2008, humanitarian funding for education doubled from $122 million to $235 million.[13] Some progress has been made in a number of conflict-affected countries to rebuild schools and get children back to school. For example, the Go-to-School Initiative in Sudan has succeeded in bringing 1.6 millions children back to school. However, education continues to receive less than 4 per cent of total humanitarian funding in war-torn nations and is often the first area to be rolled back during budget cuts.[14]

There is now a wealth of literature on the experiences and impacts of forced migration and protracted refugee situations. Studies have documented that refugee youth and their families have often witnessed various types of violence,[15] witnessed the death of family members,[16] and might have lived in refugee camps with deplorable living conditions and minimal services and rights.[17] Members of refugee families may have experienced a fracturing of social order, which may be reflected in a collapse of ordered relationships within families.[18] In some cases, military forces may have actively promoted intergenerational mistrust and conflict as part of their assault on refugee communities.[19] Many studies have examined the relationship between pre-migration trauma and mental health among refugee families. Some of the psychosocial consequences reported in refugee children and youth include sleep disturbance;[20] aggression, regressive behavior, bed-wetting, and nail-biting;[21] violent self-harm;[22] sadness, introversion, and tiredness;[23] suicidal ideation and attempted suicide;[24] and post-traumatic stress disorder, depression, and anxiety disorders.[25]

However, evidence on the relationship between forced migration and educational experiences of refugees is thin, particularly in the context of resettlement nations in the Global North. Most of the studies are from the UK and Australia. The existing literature reveals the following relationships: (1) pre-migration educational disruptions and traumatic experiences faced by refugees can have serious and prolonged impacts on their educational experiences in the post-migration context;[26] (2) policy and programmatic support in resettlement countries geared at enabling

Table 1: Demographic characteristics for youth in focus groups

Group	N	Mean years in Canada	Status Upon Arrival: S/G/W/R*	Living with family	Understand English "very well"	Employed	Currently a student	Student at High School/ University/ ESL/ College**
Afghan								
16–19 F	7	2.4	4/3/0/0	7	3	2	5	5/0/1/0
16–19 M	5	1.0	1/2/0/2	3	4	0	5	5/0/0/0
20–24 F	6	2.5	3/2/0/0	5	3	0	3	0/0/3/1
20–24M	6	0.5	0/2/0/1	2	1	1	4	1/1/3/1
Karen								
16–19 F	6	2.5	1/5/0/0	5	0	2	6	6/0/0/0
16–19 M	7	1.8	0/7/0/0	6	0	3	4	5/0/1/0
20–24 F	5	2.0	0/4/0/1	4	0	2	5	2/0/3/0
20–24M	5	1.2	0/4/0/1	4	0	3	2	0/0/4/0
Sudanese								
20–24 F	4	2.3	1/2/0/1	4	3	2	4	0/3/0/1
20–24M	6	2.8	0/0/3/1	2	4	3	6	0/6/0/0

*S = Private Sponsorship/ G=Government Assisted Refugee/ W=World University Service of Canada Sponsorship/ R=Refugee Claimant; one youth reported "other;" 4 did not respond.

** Some youth reported more than one place of current education

refugees to overcome pre-migration educational disruptions has largely been missing or ineffective;[27] (3) other post-migration determinants such as poverty, linguistic barriers, prolonged or retraumatizing refugee status determination processes (for refugee claimants), and discrimination have important implications on educational access and outcomes for refugees;[28] and (5) in turn, educational experiences in post-migration contexts have critical impacts on the resettlement process and overall well-being for refugee immigrants.[29]

This study adds to this small but growing body of evidence. Findings from our study provide new insights about educational aspirations of refugee youth between the ages of sixteen and twenty-four who arrived in Canada within the last five years, the challenges they face as they navigate secondary and tertiary education, and the strategies they utilize to address these challenges.

Study Objective and Method

In 2008, we brought together a multi-disciplinary team of academic partners, community agency partners, and eight refugee youth peer researchers in Toronto and established a community-based research team to spearhead the Refugee Youth Health Project. Peer researchers for the study included youth from Afghan, Karen, and Sudanese communities with lived experience as refugees. Peer researchers received three months of training in research. The research team then used a collaborative research design process to develop research questions for the project, with peer researchers leading as subject matter experts. Peer researchers were also actively involved in all phases including data collection, analysis, and writing (including the writing of this article).

The research team collaboratively defined its first phase of the research project as focusing on changes in roles and responsibilities for refugee youth within the first five years of their arrival in Canada, how these changes affect youth, and what services are needed to support these changes as part of their resettlement in Canada. Within this broader lens of shifts in roles and responsibilities after coming to Canada, we sought to examine changes in educational aspirations and responsibilities for newcomer refugee youth.

Afghanistan, Burma (Karen refugees), and Sudan were selected for the study as these three countries have ranked within the top ten source countries for sponsored Convention refugees to Canada since 2006. Refugees from these countries have unique resettlement histories in Canada. All three

groups have been facing protracted wars resulting in a large number of people being killed or displaced. UNHCR estimates that almost 2,166,149 Afghan refugees remain outside of Afghanistan, despite more than five million returning to the country since 2002. Additionally, worldwide there are 693,632 refugees from Sudan and roughly 164,864 refugees from Burma.[30] Afghanistan has been a key source country for refugees to Canada from the mid-1990s onwards. From 2000 to 2009, Canada received about 25,500 people from Afghanistan. Within this same period, roughly 10,100 people from Sudan have resettled in Canada.[31] Canada has only recently begun resettling Karen refugees; since 2000, about 3,100 Karen refugees have resettled in Canada, the majority of whom have arrived since 2007.[32]

Following ethics approval, participants were recruited using a number of broad and targeted strategies. Potential participants were youth aged sixteen to twenty-four who self-identified as belonging to one of the three communities of interest, and had come to Canada within the last five years as sponsored Convention refugees or through the in-Canada refugee claimant process. We conducted ten gender-specific and age-specific focus groups per community.[33] Each focus group included four to seven participants (n = 57) and was facilitated by two peer researchers (of the same gender and cultural group as the focus group participants).

Table 1 presents a summary of the demographic information of the focus group study participants. Youth in the focus groups had been in Canada less than two years, on average (*M* = 1.9). The majority came as Government Assisted Refugees (31 out of 57). Almost all of the females (25 out of 28) and more than half of the males (17 out of 29) were living with family members. Strikingly, none of the Karen youth reported that they understood English "very well" whereas approximately half of the other youth did (18 out of 34). Almost half of the youth were currently employed. The majority of the youth were currently students (44 out of 57). Most of the younger Afghan and Karen youth were in high school (21 out of 25). Among the older youth aged twenty to twenty-four, only three Afghan youth and none of the Karen youth were in university or college, whereas all of the Sudanese youth were either in university or college, a fact that is consistent with the high proportion of Sudanese youth who had come to Canada under the World University Service (WUSC) program. We also conducted thirteen one-on-one interviews[34] to explore in more detail issues raised in the focus groups.

All interviews and focus group discussions were conducted in the culturally specific language that is commonly spoken within the respective groups (Dari for Afghan focus groups and Sgaw for Karen focus groups) except in the case of Sudanese participants, who participated in English.[35] The team also held three meetings to develop solutions on how to make the data collection instruments youth-friendly and culturally sensitive including addressing any translation issues. For example, we dedicated a half-day meeting to explore how "coping" would be communicated in the three communities in a consistent and culturally meaningful way. Peer researchers provided valuable insights on refugee-friendly framing of questions including using "first language" instead of "mother tongue" or highlighting that "country of origin" may be difficult or irrelevant for refugees to identify.

The interviews and focus groups were audio-taped and, where necessary, translated into English by professional translators and validated by peer researchers. Discrepancies in translations between professional translators and peer researchers were promptly addressed through open communication between relevant stakeholders. In cases where discrepancies could not be resolved, we relied on the translation of peer researchers because of their more intimate knowledge about the research. Data were analyzed using inductive thematic analysis[36] by reading and coding transcripts sentence by sentence in NVivo (version 9) qualitative data analysis software, based on a coding framework that was collaboratively developed by the research team.[37]

Quotes are identified by which ethnocultural group participants belong to (A: Afghan; K: Karen; S: Sudanese) and whether participants are male (M) or female (F) and the age group (16–19 or 20–24).

Educational Aspirations of Refugee Youth

Participants from all focus groups passionately emphasized how their educational aspirations have strengthened considerably after coming to Canada and indicated that studying was the most important of their responsibilities here. The following quotes capture the expanded importance that refugee youth attribute to education since coming to Canada:

> In this country, going to school is very important to me, and as my friends said, we must have big dreams to come true. Also I help my brothers and sisters with their lessons and schooling. —AM 16–19

> I think it is education. After we came here the most important thing is education. This is my personal view. —KM 20–24

> After three months in Canada, going to school has become the most important thing for me. —SM 20–24

Closer analysis of the study results reveal that the strengthening of educational aspirations among newcomer refugee youth in Canada appears to be a proactive response to the pre-migration educational disruptions and limited opportunities encountered within their lives in war-torn countries or refugee camps. Many participants articulated their high educational goals in Canada and their potential benefits by contrasting them with the lack of access to good quality education, opportunities, and rights in their war-torn home country or refugee camps. While discussing why education is "very important," one Karen participant recounted how the Thai government enforced multiple restrictions on Karen refugee camps including preventing schools from being built in the camps.

> When we were in refugee camp, we were being oppressed on all side by the government. As we were refugees they gave us less chances and rights. Why? This is because we were not their citizens and we had no right to travel on our own. You must only stay in the camp. Even in the camp sometimes you were being oppressed. And when some outsiders wanted to come and teach and give you education, they did not allow. They wanted to build a school for you, but they were not to do that for refugees. Our education opportunity was being suppressed also. —KM 20–24

As reflected in the quote above, refugee youth are acutely aware of the pre-migration political factors like war, forced migration, violence, acute poverty, and repressive policies against refugees that prevented them from having access to quality education. Similarly, an Afghan youth provided insightful political-economic explanations about how protracted war has resulted in poor quality of education in Afghanistan:

> Where does this illiteracy come from? … You cannot expect people to go to school in a country of war; I don't know how long we have had war, about 40 years, and there is no safety. People say "If we go to bed tonight, are we going to wake up alive tomorrow morning?" Then we shouldn't expect that society to have good teacher, good doctors. All are escaping, this is a true fact, these are all realities and we must accept them. —AF 20–24

Many participants from all focus groups highlighted that the higher quality of education in Canada (compared to back home or refugee camps) fosters learning, stronger educational motivation, and stronger hopes for the future. To quote one Karen youth:

> The schools here are not like schools there. Schools here you can learn many things … When I was there I went to school just for the name. I did not try hard. As soon as I am in Canada, I am very

keen in learning, and very happy in school, and see many new things and I am improving a lot … My concentration is growing better in my study. I have hope and high aim for my future. —KM 16–19

Some youth had high expectations that after completing school in Canada they would make a good salary and use their income and knowledge to help others:

> When you study and become somebody in the future, you can be helpful to yourself and to your community. For example, there are lots of Afghan people here, and you can help them … not only Afghan community but all the communities. You can help through your knowledge or your field. I think the most important thing is education and schooling. —AM 16–19

The change in educational aspirations before and after coming to Canada is also linked to the perceived differences in the value and benefits associated with education between the two contexts. In direct contrast to pre-migration contexts, many participants perceived that education carries greater value in Canada and is an essential requirement for getting a good job. As one Afghan youth put it:

> I think in Afghanistan education plays a minor role in the society because for many occupations, you don't need to be educated … But in Canada you cannot find a good job, unless you are educated and have a good education background. Of course you can do any types of jobs, but with little and low income. —AF 20–24

In explaining low educational expectations in pre-migration contexts, Karen participants shared an old Karen proverb ("literate eat rice, illiterate eat rice") which symbolically means that whether you are educated or not, you end up getting the same type of job. They then contrasted the situation in Canada where not having higher education can make it extremely difficult to get a job. The following quote from an older Karen participant (several of whom arrived in Canada without having completed high school) captures the reality of this harsh transition:

> When we were there in our country situation was not like here. For a hard labour job you could apply for it without any education. A person with 10th grade education (high school education) and another without it can get the same type of manual labour job. If you were a good man it will be fine, but it is impossible here. Whenever you apply for a job you are asked to submit your qualification high school certificate, which we unfortunately do not have. So we cannot get a job. It is not easy. We become *Kyaw Thu Taw* [a person who is unfortunate in anything he tries to do]. —KM 20–24

In summary, many newly arrived refugee youth in our study indicated that their educational aspirations became stronger after coming to Canada. We found that this increase in educational aspirations is a response to a number of factors related to perceived and real differences between educational systems in Canada compared to the war-torn home countries or refugee camps. These include (1) lack of quality education or access barriers to quality education in their pre-migration contexts; (2) positive experiences of learning provided by Canadian educational institutions (compared to before Canada); and (3) expectations and realization that a Canadian education can lead to good jobs and a better future, including being able to make a good income and help family and community with the income and knowledge gained. Moreover, participant narratives also highlight that refugee youth have a critical understanding of the political factors that have undermined educational opportunities in war-torn countries and refugee camps.

Challenges and Barriers to Education in Canada for Refugee Youth

The study results also reveal that newcomer refugee youth in Canada are pressed to negotiate their educational aspirations against multiple post-migration challenges and barriers. These challenges and barriers are experienced at both the family and systemic level.

Balancing Educational Goals with Family Level Responsibilities

One key finding in this study is that refugee youth experience a considerable increase in family responsibilities following migration to Canada. A lower level of education, lower official language fluency, and poor health among parents and other family members contribute to increased responsibilities for refugee youth, as youth often find themselves having to become interpreters, service navigators, and caretakers for their families:

> In my particular case, when my father came here, he doesn't know English and neither does my mother. Before when we were in another county, my father knew their language, and he was almost responsible for everything. But here, because I and my brother know English more and better than my father, then our responsibility increases as well. We have to take our grandmother and our father to doctors' appointments and also solve the problems at home. Here the responsibilities fall more on the children because they learn English much faster. —AF 16–19

In particular, youth spoke sadly about the ongoing difficulties that their parents face in getting jobs in Canada, even for those who do have good education and English-language fluency. In many cases, youth then have to step up and enter the labour market to support their families.

> Back home you tend to rely on your parents. You don't have to think about your financials. Just school work. But here you are not going to base everything on your parents because no matter how educated your parents are there are no good jobs here compared to how they used to work back home … Here they have to struggle on their own so we are not going to sit back and rely on them. So there is more responsibility here than ever compared to back home. —SF 20–24

Some youth spoke of role reversal in terms of youth having to take adult roles including becoming key breadwinners for their families. This was particularly common among families in which one or more of the parents were not in Canada.

Juggling these new and multiple family responsibilities in Canada can be "overwhelming" for refugee youth and can "overshadow" their educational aspirations and responsibilities. As one participant put it:

> When I came to Canada, my responsibilities changed a lot because I just came with my family, my dad couldn't come with us, so I had to be responsible … I was the eldest … there were more responsibilities on me … I'm overwhelmed with so many responsibilities like lots of paperwork. [School is] definitely a priority but it gets overshadowed with all the different responsibilities. —SM 20–24

While increased family responsibilities for youth are a common process that comes with growing older, the intensity and difficult context through which newcomer refugee youth are being pressed to take on multiple family responsibilities is of concern here. Studies have documented that immigrant youth in general undergo salient post-migration shifts in family responsibilities after coming to Canada.[38] In comparing our evidence on refugee youth with other immigrant youth, however, we notice that refugee youth experience these shifts in more acute ways because of the many additional disadvantages and vulnerabilities associated with experiences of forced migration noted earlier.

There is an inherent tension in refugee youths' aspirations to achieve higher education in order to get better jobs and thus be better able to take care of their families and the need to provide for their family's needs immediately. The immediate needs overshadow the long-term goals and widen the gap between aspirations and accomplishment, while simultaneously intensifying the youths' aspirations as they see higher education as the way to improve their situation.

Systemic Barriers and Discrimination in Education

Refugee youth face numerous systemic barriers in pursuing their educational goals in Canada including (1) information barriers; (2) non-recognition of "foreign" educational credentials and inaccurate academic placement; (3) linguistic barriers; (4) financial barriers; and (5) discrimination. These challenges and barriers can have serious negative consequences on the educational aspirations and performance of refugee youth.

Information barriers

Many youth from all of the focus groups mentioned the difficulties they faced in getting information and guidance about the Canadian education system and how this led to confusion and misdirection in their educational path. For example, one youth shared the following about not having any idea about post-secondary education after finishing grade 12:

> I had a big problem, but no one helped me with that … When I came here as a newcomer, I took an exam and I was accepted in grade 10. I kept studying up to grade 12. But, I had no idea where to study after grade 12. While I was studying at high school, they didn't give me any information where I could go after graduation. —AF 20–24

As captured in the above quote, youth stated that they would have taken a different educational track and progressed much further if they had not faced information barriers about the education system. Many refugee youth emphasized the need for timely orientation and guidance for newcomer youth particularly as the education system in Canada is very different from back home, and that adjustment can be quite difficult and "shocking" (as one youth put it). While this is a common experience for immigrant youth in general,[39] refugee youth with disrupted education and low official language fluency are not just more likely to face information barriers but also may not know who to go to for help in overcoming these information barriers.

Non-recognition of "foreign" education and inaccurate academic placement

Several youth criticized how their previous educational level/capacity was not properly recognized in Canada. Some mentioned that they were misplaced in what they perceived to be an inaccurate grade or academic stream, and that information gaps about the educational system prevented them from realizing this before it was too late.

> In 2006 when I came to Canada, I didn't know about the education system here, I didn't know that if you take applied you go to

college or if you take academic you go to university. If I would have known, I would be done school by now. They just gave me applied and ESL [English as Second Language] classes, and they were very easy for me. Now I found out that I could have started from grade 10 at high school and studied for higher education. Now I am taking summer school courses like regular science and English, but it has been 2 or 3 years since I've been going to school here and that I've been taking ESL, applied courses that I already knew and were easy for me. No one explained to me the reality of the system properly and what there is and what to take. —SF 20–24

Youth also highlighted the need for a more sensitive and flexible system for assessing diplomas and degrees from back home, including being able to accommodate the fact that some refugee youth may not have copies of their educational certificates with them, may have lost these certificates due to forced/multiple migrations, and may not be able to get additional copies of their previous educational certificates from war-torn countries.

Most of the youth were acutely aware of how non-Canadian degrees are not respected or valued in Canada within the education sector and in the labour market. Youth sadly recalled negative impacts of this on themselves, their parents, and immigrant communities in general.

> They don't think you have the capability to do something … in terms of education. If you got an education back in Africa and you come here they don't respect it as much. —SF 20–24

Linguistic barriers

Refugee youth, particularly from the Afghan and Karen communities, identified linguistic barriers as a key challenge in pursuing educational goals. Participants emphasized that low fluency in English made it difficult to understand what is being taught in class, limited their ability to ask questions or seek clarification from teachers, and to communicate with others. This in turn resulted in youth falling behind in classes and limiting their overall interactions in school.

> School is a struggle and that relates to the language barrier because I want to ask questions for the teacher to clarify but I couldn't communicate that. So then it makes me fall behind. —KM 16–19

Linguistic barriers have been documented to be a major hurdle for immigrant youth in general.[40] However, as noted earlier, compared to other immigrant groups, refugee youth and their families are twice as more likely to have limited or no official language fluency and thus may face more severe linguistic barriers, with serious negative impacts on their education.

Others talked about how low fluency in English among parents combined with exhaustion due to lengthy work hours hindered parental support and mentoring in their children's education.

> Among young children, like the Karen newcomer kids because their parents work whole days and they come back and they are exhausted, they have no time to spend with their children to do their homework and also even if they have time they don't have the language skill, they don't know how to help them, so children lack support in terms of completing their homework. —KM 16–19

Here again, relative to other newcomer youth, parental support and mentoring in education may be very limited for refugee youth whose parents may have low education levels and who are more likely to have been orphaned, come to Canada unaccompanied, been separated from parents for extended periods due to forced migration.

Financial barriers

Youth also highlighted financial barriers to pursuing education, particularly when it comes to tertiary education. Several youth noted that the resettlement assistance or social assistance they receive from the government is very limited and is not even enough to cover basic expenses. Government Assisted Refugees in Canada receive financial support through the Resettlement Assistance Program for up to one year after arrival; the amount of support varies by a number of factors including family size and special needs. Following this period, refugees who are not able to find jobs can apply for social assistance. Refugee claimants are also eligible for social assistance. While economic immigrants do not receive financial support from the government during the initial years of resettlement, they are more likely than refugees to have arrived in Canada with some financial assets and can find jobs more readily.

A few older youth participants in the study talked about having to quit school since the social assistance they receive is not adequate to cover their household expenses:

> We have three siblings attending high school and we get only $800 which is not enough. We have decided to quit school and search for job. —KF 20–24

In contrast, other youth noted that school and homework leave no time to work and thus they prefer to be on social assistance while in school. Older youth (in the 18–24 year group) discussed at length the high cost of post-secondary education and their hesitation to take large student loans. When asked about what is needed, one youth emphatically called for "free education" so that youth do not have to

depend on government loans or welfare or to drop out for a semester due to financial difficulties:

> I just request for one thing. Free education. Once you have all that money and you go to school and finish your school you don't tend to rely on the government anymore for welfare or none of these. Now we try hard and still do go to school and struggle, but you had to drop out for a semester to work and go back. If you have free education that would be very helpful. —SF 20–24

More affordable post-secondary education would of course benefit all low-income youth and not just refugee youth.

Discrimination

Several refugee youth spoke about discrimination they have faced in schools from teachers and school administrators. One Sudanese youth sadly recalled a very direct experience of discrimination from a teacher:

> That is what I am saying double disadvantage. First you are refugee second you are black and third you are female. You have so many things pushing you down … I went to [name of school]. I was a gifted student in biology and chemistry. I came with my timetable because I transferred from one school to this other school and the teacher was saying are you sure you are not in the wrong classroom? Just because they assume you are black you know nothing. She was like Miss, really, I don't know your background but this is gifted, it is very hard. Do you know what you are getting yourself into and all this kind of stuff. Really? —SF 20–24

As exemplified by the above quote, youth reflected on experiences of discrimination from a critical intersectional perspective that linked discrimination to negative stereotypes that teachers or administrators may hold about racialized groups, particularly if they are women of colour and refugees. Some youth also mentioned about how they had experienced discrimination from other students while in school and were not able to do anything about it and so "suffered quietly."

Youth also shared about upsetting expressions of discrimination and prejudice experienced at the community and systemic levels:

> I see that they say that most of Afghans are terrorists, and they have come from a country of war for 20–22 years; they are not good people, they have different reasons and excuses. This is why the youth are so down and humiliated. They can't make progress. Me personally, I never say that I am from Afghanistan, because it won't work if I get a job, and people backstab me. —AF 20–24

The study results highlight that experiences of discrimination in and out of school can have adverse impacts on youths' sense of identity and well-being and can make schools an alienating and even unsafe space. As one youth put it, "discrimination is the main problem that prevents me to achieve our role, to achieve my goal." Responses to experiences of discrimination involved either "suffering quietly," passing, or even denying one's identity. Although many of these experiences the youth described happened in high schools, they can stand in the way of youth achieving the grades needed to attend universities and, as in the instance of youth being directed to the "applied stream," can actively prevent them from being eligible to apply to particular post-secondary institutions. Several younger participants hoped that they don't face similar discrimination when they enter university or college.

Findings from this study echo other studies that have documented the multiple challenges that refugee youth face in the educational system.[41] A study conducted by Yau with 135 refugee students in Toronto in 1995 found that an information and guidance gap is a common barrier encountered in the Canadian school system, in addition to inaccurate academic placement and academic streaming;[42] the fact that these barriers continue to exist even fifteen years after Yau's study represents a major lapse in policy. Other studies have found that experiences of discrimination and unfair treatment from fellow students and teachers are prevalent experiences faced by refugee youth.[43] Steele,[44] Portes and Rumbaut,[45] McBrien,[46] Kao and Thompson,[47] and Dlamini, Wolfe, Anucha, and Chungyan[48] have discussed the detrimental impacts of discrimination on academic performance, youth identity, and overall well-being. While non-refugee immigrant youth may face similar post-migration barriers to education, it is important to recognize the dissimilar and more severe encounter and outcomes from these barriers for refugee youth due to their experiences of forced migration and trauma.

Youth Strategies in Education

We found that refugee youth utilize a range of strategies to pursue their educational goals in Canada, to address barriers to education, and to "get out of that cycle of going downward." Strategies include seeking help and support from friends, seeking help from education-focused newcomer services, not hesitating to ask questions from all available sources, and being prepared to question authority about their bad decisions. Being persistent in seeking help was an important strategy for some youth. One youth highlighted how she would "constantly go to the writing centre, talk to my TA [Teaching Assistant]." Another mentioned:

> Never take no for an answer, especially in schools. Where you have guidance counselors who want to put you in certain courses [just] because you are immigrant. It just doesn't work like that. —SM 20–24

For many youth, friends are the main and often only source of support and advice. Several youth said that they get "a lot of help from friends." Moreover, older youth appear to draw on their educational experience, often negative ones, to take an active role in guiding younger siblings in terms of academic planning. This process includes reminding younger siblings that they need to decide for themselves and not necessarily depend on guidance from school:

> Now my sister is in grade 11, and she is thinking like me, she is waiting for her school to help or guide her to choose her field. I told her "No, this is not the case, now in grade 11 you can decide what you want to study, and where to go." —AF 20–24

These strategies represent the resilience and tactical capabilities of refugee youth to confront hurdles. What is commendable is the proactive role youth are taking to support and mentor their friends and siblings through the education system in Canada. At the same time, "overwhelming" systemic inequalities and lack of supportive services appear to strain and undercut the capacity of youth for strategy and resilience.[49] Most youth in our study were clearly very distressed by the multiple barriers and negative experiences in pursuing their educational goals.

Discussion: Between Vulnerability and Empowerment

Resettlement is a deeply transformative and political process for refugees and for the nations that resettle refugees. For refugees, it is usually an acutely conflicting process that can bring safety, security, freedom, legal rights, hope, and empowerment while at the same time accentuate their sense of loss, separation, tragedy, displacement, and marginalization. In resettlement nations, like Canada, an influx of refugees may be perceived as a collective humanitarian exercise while at the same time shunned for weakening national security, increasing public health concerns, and wasting taxpayer dollars. This ambivalence, or what Bhabha refers to as a Janus-like position,[50] in the refugee resettlement process is what results in contradictory policy and social outcomes that are humanitarian without being socially just, equitable, and empowering.

Canadian policy makers take pride in Canada's being one of the few nations with a "non-discriminatory" resettlement process for refugees. With IRPA, Canada has seen a rise in the number of refugees that may not necessarily have

a strong educational background, work qualifications, or good health. However, apart from an initial year of financial and settlement service support, other policy initiatives to build educational, professional, and political capacities among refugees are largely lacking. Such policy gaps can increase the risk of refugee immigrants being "assimilated into poverty" (see Portes and Zhou's discussion of "segmented assimilation").[51] Instead, the Canadian government continues to maintain misguided policies such as a lengthy refugee claimant application process, the current lack of an appeal process for unsuccessful refugee claimants,[52] "destining" of Government Assisted Refugees to different parts of Canada to meet quota needs rather than giving refugees choice of where to settle, and the requirement for Government Assisted Refugees to repay their transportation expenses for travelling to Canada; such policies serve to entrench rather than overcome the vulnerabilities that refugees face.

Crucially, these policy limitations and contradictions reflect a broader problem of the tenuous division between politics and ethics within humanitarianism. Drawing on the works of Michel Foucault and Giorgio Agamben on the "biopolitics" of the way immigrants/refugees are treated, critical scholars like Peter Nyers,[53] Liisa Malkki,[54] Michalinos Zembylas,[55] and Didier Fassin[56] have exposed the flaws within mainstream humanitarian policies that result in "compassionate repression" of refugees such that refugees remain within the "state of exception" as "speechless emissaries." These scholars argue that government bodies fail to recognize the political agency of refugees and continue to separate politics from the ethical dimensions of humanitarianism. This results in refugees being treated in dehumanizing or patronizing ways as "victims" and "helpless people" who just need "bare life" necessities to survive.

Depoliticized and minimalist humanitarianism embodied in the Canadian refugee resettlement program is what precludes policy makers from recognizing and proactively supporting the high educational aspirations among newcomer refugee youth and their families. Consequently, refugee youth tread a thin line between vulnerability and empowerment in pursuing their educational goals after coming to Canada. Our study findings show that refugee youth have intimate awareness of the immense potential of higher education in Canada to overcome their marginalization and yet are met with compounding systemic barriers and discriminations. Their struggle with vulnerability and empowerment is also experienced in the way that refugee youth have to juggle their expanded post-migration family responsibilities and educational goals. As captured in our study, expansion of family responsibilities for refugee youth exemplifies the crucial leadership role that refugee youth are taking in helping their families resettle; refugee youth serve as "resettlement champions" for their families. At the same time, there is concern that refugee youth have little choice but to take on these family responsibilities at the expense of compromising their education. Research by Kanu,[57] McBrien,[58] Steven and Wilcot,[59] Yau,[60] and Wilkinson[61] also generated similar findings about the high educational goals among refugee youth and the numerous socio-political barriers that undermine not just their educational goals but their overall well-being.

Depoliticized humanitarianism in Canada is also reflected in the way that most researchers and policy makers continue to lump refugees together with immigrants which "obscures the effect of forced dislocation in the settlement experiences of refugees."[62] Refugees thus continue to remain largely "invisible" within mainstream research and the policy domain. This is happening in spite of the wealth of evidence that, unlike for other immigrant groups, refugee experiences of forced migration, protracted refugee situations, and trauma have salient and long-term impacts on resettlement, education, health, access to services, and overall well-being. What is required instead is not to shy away from the politics of humanitarianism but to recognize it as an inherently political and deeply transformative process. In other words, we need to shift away from depoliticized and minimalist humanitarianism to transformative humanitarianism. In doing so, we can begin to recognize refugees as, in the words Peter Nyers, "positive, present, permanent, and authoritative citizens." The indicators of successful refugee resettlement are not measured by quantitative figures like the number of "high needs" refugees that come to Canada or the amount of financial support refugees are given but by how closely policies are grounded in equity and social justice; policy makers need to recognize, and not ignore, the deeply political experiences of forced migration, trauma, and multiple vulnerabilities that refugees have undergone and be inspired and supportive of educational and other aspirations that refugee have in spite of these hardships.

Researchers and policy makers, particularly in the education sector, need to reverse the current practice of not collecting data on migration experience (or refugee status). This can be done by strengthening confidentiality in data collection/utilization process, by ensuring that there are no negative or stigmatizing political repercussions in disclosing information about migration process/status, and by demonstrating positive equity outcomes from collecting disaggregated data. Healthcare sector leaders in Canada have developed innovative solutions for collecting and utilizing data about migration experiences to deliver early and timely

healthcare services for refugees. For example, many health centres across Canada have formed successful partnerships with refugee reception centres and settlement agencies to provide exemplary models of care to refugees from the day they arrive in Canada. Stakeholders in the education sector can do the same.

Conclusion

Findings from this study indicate that refugee youth develop stronger aspirations for higher education after coming to Canada. While this represents a tremendous political opportunity, systemic barriers that undercut refugee youth educational aspirations in Canada are indicative of policy failures. More specifically, they represent contradictions and inherent tensions in Canada's refugee resettlement policies that claim to be humanitarian without being grounded in social justice and equity. There is urgent need to shift from depoliticized humanitarianism to transformative humanitarianism in which policy commitment to resettle refugees is buttressed by equitable and adequate supports. Policy solutions include substantial increase in funding for English/French language classes as well as for professional interpretation services. Educational information gaps and misplacements in inappropriate classes/streams needs to be resolved by building capacity (sector wise) of guidance counsellors and teachers to become more sensitive and responsive to the needs of refugee students. In particular, proactive mentoring from teachers and guidance counsellors is critical to enabling refugee students who have faced disruptions at the primary or secondary level to pursue higher education. Curriculum design and pedagogical approaches need to accommodate for learning barriers that refugees who have experienced educational disruptions and/or trauma may face. Overcoming discrimination in educational institutions needs to be prioritized and countered with comprehensive anti-oppression training at all levels. Financial barriers to education can be remedied through a number of targeted and broader policy interventions, including eliminating the transportation loan repayment requirement for sponsored refugees, making education more affordable, and removing barriers in the labour market. The Equity and Inclusive Education Strategy currently being developed by the Ontario Ministry of Education makes no mention of how refugees are going to be "included" in this strategy; this needs to be reversed. Because refugees especially face barriers to post-secondary education, policy makers and educators working in tertiary education have a major responsibility to overcome these barriers by creating academic bridging programs (across educational institutions), targeted scholarships (such as the World University Service of Canada's scholarship program

for refugee youth), and other innovative and equity based strategies that can promote high educational aspirations among refugee youth and meet these aspirations.

Our positive experience of collaborating with refugee youth in conducting this study highlights that promoting educational inclusion and success for refugees needs to begin by involving refugees in leadership roles in research and in the policy development process.

Notes

1. Citizenship and Immigration Canada (CIC). "Annual Report to Parliament on Immigration, 2009" (Ottawa: CIC, 2010), accessed 20 December, 2010, http://www.cic.gc.ca/english/resources/publications/annual-report2009/index.asp. Canada receives between 25,000 and 35,000 refugees every year; this represents about 10 to 12 per cent of the roughly 250,000 "permanent residents" who settle in Canada annually. On average, about 11,000 refugees come as "sponsored" refugees under the Refugee and Humanitarian Resettlement stream: 7,500 as Government Assisted Refugees (GARs) and 3,500 as Privately Sponsored Refugees (PSRs). Roughly 12,000 to 19,000 come to Canada through the "In-Canada Asylum" stream in which people apply as refugee claimants upon entering Canada and then become "permanent residents" once their claim process is approved by a quasi-judiciary body called the Immigration and Refugee Board. The remaining 5,000 settle in Canada as family dependents of people who have come as refugees. From 2000 to 2009, about 280,000 refugees have settled in Canada of whom 62,000 (21 per cent) are youth between the ages of fifteen and twenty-four.

2. Citizenship and Immigration Canada (CIC), "Facts and Figures, 2009: Immigration Overview," (Ottawa: CIC, 2010), accessed 20 December 2010, http://www.cic.gc.ca/english/resources/statistics/facts2009/index.asp

3. CIC, "Facts and Figures, 2009."

4. See, for example, the recent publication by R. Sweet, P. Anisef, R. Brown, D. Walters, and K. Phythian, "Post-High School Pathways of Immigrant Youth" (Toronto: Higher Education Quality Council of Ontario, 2010).

5. This UN Convention states that primary education should be compulsory and free; that different forms of secondary education, including general and vocational education, should be available and accessible; that educational and vocational information and guidance should be available and accessible to all children; and that measures should be taken to encourage regular attendance at schools to reduce drop-out rates (United Nations, 1989).

6. United Nations Educational, Scientific and Cultural Organization (UNESCO), "Education for All Global Monitoring Report: The Hidden Crisis: Armed Conflict and Education" (UNESCO, 2011); United Nations High Commissioner for Refugees (UNHCR), "2009 Global Trends: Refugees,

Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons" (UNHCR, 2010); UNHCR, "Learning for the Future: Refugee Education in Developing Countries" (UNHCR, 2009). See also Save the Children, "Last in Line, Last in School 2009: Donor trends in meeting education needs in countries affected by conflict and emergencies" (London: Save the Children, 2009).

7. The gravity of low enrolment rates of refugee children in school is underscored by UNHCR data that 45 per cent of refugees, internally displaced peoples, and asylum seekers are under the age of eighteen. In Chad, two-thirds of internally displaced people and 61 per cent of Sudanese refugees are under eighteen. UNHCR, "2009 Global Trends."

8. UNESCO, "Education for All Global Monitoring Report."

9. UNESCO, "Education for All Global Monitoring Report."

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Structural Factors Associated with Higher Education Access for First-Generation Refugees in Canada: An Agenda for Research

MARTHA K. FEREDE

Abstract

Refugees are the least educated migrants upon arrival to Canada. Yet, they invest in Canadian higher education at lower rates than other newcomers. Why might this be? This paper enters this emergent conversation through a review of the Canadian-based empirical literature on the structural factors associated with refugees' tertiary education access. Research indicates that as part of the low-income population, refugees are likely to misperceive the cost and benefits of higher education and be deterred by high tuition costs. Academic preparedness and tracking in high schools also pose additional constraints. The gap in the literature exposes a need for inquiry into the ways in which pre-arrival experiences influence refugees' participation in Canada's post-secondary institutions. The paper concludes by underscoring the need for qualitative research that discerns the lived experiences of refugees outside of the aggregate immigrant grouping typical in education research.

Résumé

À leur arrivée, les réfugiés forment le groupe le moins éduqué des immigrants au Canada. Pourtant, ils investissent dans l'éducation supérieure au pays dans une plus faible proportion que les autres nouveaux arrivants. Pourquoi? Cet article contribue à ce nouveau sujet de discussion au moyen d'une revue de la littérature basée au Canada portant sur les facteurs structurels associés à l'accès des réfugiés à l'éducation supérieure. La recherche révèle qu'à titre de membres de la population à faible revenu, les réfugiés sont plus susceptibles d'avoir une perception erronée des coûts et des avantages d'une éducation supérieure et d'en être dissuadés par les droits d'inscription élevés. La préparation et le suivi pédagogiques à l'école secondaire apportent des contraintes supplémentaires. Le manque de littérature sur le sujet met en relief le besoin d'explorer en quoi les expériences pré-immigration influent sur la participation des réfugiés à l'éducation postsecondaire au Canada. L'article se termine par une mise en relief du besoin de recherches qualitatives qui discernent les expériences vécues par les réfugiés sans avoir recours aux regroupements globaux sur l'immigration qui sont typiques des recherches sur l'éducation.

Introduction

Immigrant newcomers to Canada do not participate in Canadian higher education at equal rates. Scholars note that it is already highly educated newcomers who are most likely to choose to pursue post-secondary education in their new host country.[1] Refugees, who are the least educated migrants at arrival and are usually unable to return to their country of origin, invest in Canadian post-secondary education at lower rates.[2] *Why might this be?* This paper enters into this emergent conversation through a review of the Canadian-based empirical literature on the structural factors associated with refugees' tertiary education access.

While there is a growing body of knowledge on post-secondary access for native-born Canadians, relatively little is known about refugees' entry into Canada's higher education system.[3] This is partly due to the fact that K-16 school systems across Canada have traditionally not collected data on students' refugee designation.[4] Consequently, knowledge specific to the resettled refugee experience is often lost within the folds of aggregated educational research. However, since refugees' pre-arrival experiences often differ in important ways from those of voluntary immigrants, research that discerns their distinct experiences is warranted.[5] This paper provides a reflective synthesis and analysis on the available scholarship to serve as a precursor for this essential research.

Why should Canada care about refugee's access to higher education? What contextualizing pre-arrival factors need to be considered? What matters for refugees' access to post-secondary education in Canada? In this paper, I investigate these questions within two sections. In the first part of the paper, I articulate the impetus for focusing on refugees' higher education, describe pre-arrival conditions, and outline my theoretical framework. In the second section, I conduct a literature review guided by my research question: *What structural factors are associated with higher education access for first-generation refugees in Canada?* I note points of convergence and divergence and highlight contradictions between theory and evidence. For the purpose of clarity, the literature is synthesized into economic and educational factors. This organizational method was determined after a preliminary review of the scholarship and is done solely for clarity of analysis. I do not mean to suggest that these factors exist in a segmented manner in the real and complicated lives of resettled refugees. Lived experiences are nuanced and influenced by a myriad of factors and conditions that intersect and interact in surprising and complex ways. In essence, if refugees' lives are portraits, then this paper offers a sketch that outlines key structural considerations in thinking about refugees' higher education access.

Why Canada Should Care about the Higher Education of Refugees

The education of refugees provides both individual and societal benefits. Moreover, understanding and increasing refugees' participation in higher education is a natural extension of Canada's acclaimed humanitarian refugee resettlement efforts.

With limited tertiary education participation, refugees forgo the significant benefits that are part and parcel of higher education—advantages that are particularly robust with the completion of a bachelor degree.[6] Higher education has been found to provide a gateway to upward social and economic mobility by enabling access to high wages, high-quality positions, social networks, and entry into the middle class.[7] The average lifetime earning differential between a Canadian university graduate and a high school graduate is approximately $1.3 million dollars. A closer look at this figure reveals large income disparities based on field of study. In fact, 18.5 per cent of Canadian university graduates actually earn less than the average Canadian income $37,002.[8] However, despite this problematic lag, more than 80 per cent of university graduates still earn at or above the average Canadian income. Moreover, individual benefits of higher education extend beyond monetary gains. Persons with bachelor degrees are also more likely to enjoy higher self-esteem, have increased tolerance for others, enjoy lower child mortality rates, and live longer and healthier lives.[9]

Since an educated citizenry holds important consequences for the nation, increasing access and attainment to post-secondary education for its refugee population must become a policy priority. Educated persons tend to be informed citizens who are more likely to vote and to participate in the political process.[10] Moreover, an educated population is vital to national economic growth through fostering increased tax revenues and providing a skilled workforce able to engage in increasingly globalized knowledge markets.[11] Finally, those with higher levels of education are less likely to burden the social welfare or criminal justice systems.[12]

Understanding and increasing refugees' participation in higher education not only makes economic and civic sense, but is also a natural extension of Canada's acclaimed, albeit increasingly attacked, refugee resettlement efforts.[13] For over thirty years, Canada has been considered a global leader in the resettlement of refugees. Since World War II, Canada has provided protection for an estimated 700,000 refugees.[14] In 2009, with the arrival of 12,500 refugees, Canada was second only to the United States in the number of refugees sponsored for resettlement into a host country.[15] Canada also holds the distinction of being the only country in the world that allows private sponsorship of refugees by organizations and groups of five or more citizens.[16]

The nation's humanitarian endeavours already extend beyond the opening of its doors to offering integration and resettlement programs. Through its Resettlement Assistance Program, Canada offers a welcome at port of entry, housing assistance, and a basic orientation to Canada that focuses primarily on employment guidance and language instruction for adults.[17] There is no official mandate in resettlement efforts to increase newcomers' higher educational access or participation. Since 1996 the policy focus appears to be on attracting already educated immigrants and facilitating foreign-credential recognition rather than engaging newcomers in Canadian higher education.[18]

The lack of an explicit higher education initiative within resettlement services misses an excellent opportunity to assist refugees to become more marketable in the workforce and, perhaps, to be more smoothly integrated thorough interaction with other Canadians in post-secondary institutions.[19] Despite being more highly educated than previous cohorts, recent immigrants to Canada have experienced difficulty successfully incorporating in the labour market.[20] In an effort to explain this troubling trend, researchers and policy experts have pointed to a weak economy, employment discrimination, and the discounting of foreign work experience.[21] Scholars have also identified the non-recognition of

foreign credentials by Canadian employers who "may simply not appreciate or trust the quality of higher education in a country with which they are unfamiliar" as another likely cause.[22] In fact, one-third of immigrants who experienced difficulties finding employment in the four years following arrival reported the rejection of foreign academic qualifications as a contributing factor.[23]

While it is not a panacea, participating in post-secondary education in Canada facilitates entry into the country's labour force.[24] For instance, in 2007 immigrants with a Canadian university degree had employment rates that equalled Canadian-born counterparts.[25] Moreover, through the process of obtaining their educational credentials in Canada immigrants "have opportunities to interact with native-born students and faculty and gain familiarity with the host society, which may not come so easily to newcomers who do not attend school after arrival."[26]

Canada claims to have a vested interest in advancing post-secondary education for its populace, as evidenced in its 2002 "Skills and Learning for Canadians" report:

> Post-secondary education is already required for most of the new jobs in today's economy and will be demanded for almost all new jobs in the 21st century. For those without a post-secondary education, employment prospects are dimming rapidly. But post-secondary education is about more than achieving our individual and collective economic potential. It is a means by which we can better understand the world around us, play a more confident role as citizens in a democratic society, and lead more satisfying lives.[27]

In 2010, nearly a decade after these noteworthy sentiments were shared, approximately 50 per cent of the aged twenty-five to sixty-four population had completed tertiary education—making Canada the top-ranked OECD country for educational attainment. However, this is true only when considering all university, college, and polytechnic education.[28] In 2008, Canada's college graduation rates of 26 per cent were considerably higher than the 10 per cent OECD average. Yet the country's university graduation rate of 34 per cent was below the average 38 per cent rate for all OECD countries.[29]

This complicated Canadian higher education picture does not offer a clear image of what is happening specifically with refugees. Nonetheless, I argue that as one of the least educated groups in the country, refugees have much to gain from a Canadian higher education. Considering the significant private and public benefits of tertiary education, it is in Canada's best interest to prioritize refugees' higher educational access and attainment by including it as part of a responsible resettlement program for the effective integration of newcomers.

An Emerging Topic: Refugees' Pre-Arrival Experiences and Higher Education Access

The only group of immigrants admitted to Canada solely on humanitarian grounds, refugees enter Canada after enduring war, violence, famine, displacement, family separation, and/or persecution.[30] Even after receiving first-country asylum, refugees experience prolonged stress during extended periods of limbo; recent estimates find that refugees spend, on average, an alarming seventeen years in exile before finding a durable solution such as resettlement into a third country.[31] Scholars note this pre-migration experience of refugees is associated with higher incidences of post-traumatic stress disorder.[32] In addition, as a result of their pre-migration experiences, refugees also face significant disadvantages in schooling compared to other immigrants and Canadian-born persons. Refugee children and youth tend to arrive without formal education experience, with interrupted education due to the outbreak of war or violence, or having undergone inadequate schooling within under-resourced refugee camps.[33] How do these pre-arrival contexts matter for higher education access? Systematic inquiry on how pre-migration conditions intersect with refugees' access to tertiary education is just beginning to emerge. However, to a limited degree, the institutional practice of tracking (that disproportionly impacts newcomers) and the academic preparedness of refugee students are considered in this paper.

Theoretical Framework

Although Portes and Zhou proposed their seminal segmented assimilation theory to explain the differentiated incorporation patterns of first- and second-generation immigrants in the United States, it allows insight into the integration process of newcomers to Canada.[34] Segmented assimilation theory posits that immigrants may undergo one of three integration paths: upward assimilation, downward assimilation, or selective acculturation. According to the theory, immigrant groups with high human capital (such as higher education credentials) are well received by the host country and tend to follow a path of upward mobility.[35] Other less resourced immigrant groups face the structural barriers of unemployment and living in poor urban neighbourhoods with low-quality schools that lead them to downward mobility. Immigrants who follow the third path of "selective" acculturation maintain their home language and values of the home culture while also successfully adapting into the host country. Rather than following one linear path to integration, segmented assimilation theory

argues that the mobility of first- and second-generation immigrants depends on structural and cultural factors.

While segmented assimilation theory has been widely criticized, in part for ignoring the agency of newcomers and for not providing testable propositions, it illuminates important structural constraints faced by refugees when integrating into host countries.[36] The literature indicates that refugees in Canada are often low-income, settle in urban centres and arrive with limited human capital compared to other immigrants.[37] According to this theory we would expect most refugees to Canada, at least in the initial years, to undergo downward mobility. This negative assimilation pattern may include limited opportunities to participate in tertiary education.

Introduced to explain the low educational outcomes of African-American youth, Ogbu's cultural ecological theory is also helpful in making sense of refugees' experiences in Canadian higher education.[38] This theory posits that differences in the educational success of minorities can be attributed to whether they belong to involuntary or voluntary minority groups. Involuntary minorities who entered the United States by force through being "conquered, colonized or enslaved" are less financially successful and do less well in the education system. On the other hand, voluntary minorities arrive in the country willingly to seek better opportunities. While they may experience initial issues in schools due to cultural and language issues, they are able to overcome them and perform well in the education system.[39]

Ogbu and Simons posit that refugees are semi-voluntary minorities, sharing elements of both voluntary and involuntary groups. Although refugees did not freely choose to settle in the US, they arrive with a positive view of American society and an understanding "that to accomplish the goal of their emigration they would have to learn new, that is white American, ways of behaving and talking."[40] First-generation refugees in Canada are new arrivals and have not endured a long history of institutionalized discrimination. Therefore according to Ogbu and Simons' theory, we would expect them to have a positive view of the dominant society, making them more likely to be strong academic achievers. While several studies lend some support to this theory, the literature indicates that, due to interrupted education and lack of pertinent and timely access to information, not all refugees fare well in the Canadian school system.

Throughout this paper, I will draw on segmented assimilation theory and cultural ecological theory to make sense of the data on refugees' higher education access. The theories serve as points of references against which the empirical evidence will be examined. The conjecture of Portes and Zhou and of Ogbu and Simons will also be reintroduced in the conclusion as theoretical platforms on which to develop additional research on the topic.

Methodology

This paper outlines economic and academic structural factors associated with post-secondary access for refugees in Canada. In order to identify relevant literature for my review, I used three primary search strategies. The first involved searching academic databases to identify studies on the topic. The second strategy involved searching for studies through governmental and international organization sites such as the United Nations High Commissioner for Refugees, Amnesty International, Statistics Canada, Citizenship and Immigration Canada, and the Canadian Council for Refugees. The third strategy made use of reference and bibliographic citations of articles and reports to identify additional literature. To a lesser extent, I also contacted the authors of heavily cited works to request recommendations of additional research in the field.

I restricted the scope of my review to empirical studies written in English on first- generation refugees. I did not exclude refugees by age of entry, gender, country of origin, or settlement city. If certain factors were more salient to one subgroup than another, I identified this in the research synthesis and analysis. Moreover, I drew on studies of non-refugee low-income students to explain the ways in which being part of the low-income group is likely to impact refugees' post-secondary education access.

The research is limited to refugees in the Canadian context. While there is a growing body of research on refugees' access to higher education in the United States, Australia, and the United Kingdom, I decided not to include them in this review. Although these countries are also Western English-speaking refugee resettlement countries, they have widely different immigration policy, historical context, and post-secondary education systems. Finally, undocumented migrants and asylum claimants whose refugee status has not been determined were deemed to be beyond the scope of this review.

Since the 1980s, refugee flows to Canada have increasingly shifted from post-World War II migration from European nations to countries of Africa (Somalia, Ethiopia, Rwanda, Kenya), the greater Middle East (Afghanistan, Iraq), and Asia (Pakistan, China). Thus, since more and more refugees are also visible minorities in Canada, xenophobia is becoming a pressing issue. Findings from Statistics Canada's 2005 Longitudinal Survey of Immigrants to Canada (LISC), a large-scale study of 12,000 immigrants who entered the country between October 2000 and September 2001, indicate that newcomers cited facing racism and discrimination within the first four years following arrival.[41] These

issues must be made visible. However, since I was unable to locate any Canadian-based empirical literature examining the role of systematic racism and discrimination in the tertiary education access for refugees, this factor cannot be considered at this time.

When using the terms "higher education," "post-secondary education," or "tertiary education," I am referring to undergraduate degree programs at both colleges and universities in Canada.[42] Although a nuanced study that examines access to these institutions separately is warranted, the literature does not yet allow for a systematic review by tertiary institution type.

I employ the definition of "access" typically used in the literature: "whether a person has at some point been enrolled in post secondary education."[43] I do not mean "persistence," a term that means the progression through successive years of education until the completion of studies. While higher education persistence is important, it is another distinctive topic beyond the focus of this paper.

Findings

The Access Consequences of Low Socio-Economic Status
Recently arrived refugees constitute a segment of Canada's low-income population.[44] Not only do refugees initially fare worse in the labour market than Canadian-born individuals, but they also earn less and are more likely to be unemployed compared to Skilled Worker Class and Family Class immigrants.[45] Moreover, like other immigrant newcomers, they are increasingly earning less than Canadian-born counterparts; the earnings gap is most pronounced for those with foreign university credentials, reinforcing the growing need for a Canadian degree. Refugees' high unemployment rates and tendency toward downward occupational mobility lend support to the argument that refugees, at least in the early years, follow a path of downward assimilation.[46]

The literature overwhelming indicates that low-income individuals in Canada are less likely to attend university than their wealthier counterparts.[47] Although the gap in tertiary participation has narrowed between higher- and lower-income families since the 1990s, individuals from higher-income families still attend in greater numbers than those from lower-income families.[48] Canadian scholars have looked at the reasons that limit tertiary education access for low-income students (that, as evidenced, includes refugees).

Usher suggests that low-income individuals' overestimation of university costs and underestimation of benefits is a barrier that may limit application and access.[49] Rather than making calculated cost-benefit analyses for attending university, Canadian youth have been found to make determinations in rough and imprecise ways that are based on

perceived costs and benefits.[50] Using data from a 2003 survey by the Canada Millennium Scholarship Foundation, Usher found that levels of misperceptions about university costs and benefits were income related. While Canadians in general overestimated the cost of university tuition by $1,000, those from low-income backgrounds overestimated by $3,000. In addition, low-income individuals underestimated the average annual income differential between high school and university graduates. Although the income difference was in fact $27,191, low-income individuals believed it to be only $4,885, a greater underestimation than other income groups.[51]

Actual tuition increases also appear to have a negative impact on university attendance for low-income families.[52] This determination was based on a study of the relationship between tuition and attendance by parental income for universities and colleges whose tuitions increased markedly in the 1990s versus those limited by provincial tuition freezes (British Columbia and Quebec). Using multinomial logit modelling, Coelli found a significant negative impact on university attendance rates of youth from low-income backgrounds. However, tuition increases made no impact on other tertiary education options such as college.

In contrast, Frenette found that financial constraints explained little of the university attendance gap between low and high income Canadians.[53] The main finding from the study that used data drawn from the cycles of the Youth in Transition Survey (YITS) was that the majority of the gap in university attendance is due to differences in standardized test scores in reading obtained at age fifteen, school marks reported at age fifteen, parental influences, and high-school quality. Frenette suggests that these very factors, however, are indirectly income-related, stating that:

> … differences in academic performance across the income distribution may themselves be the result of differences in family income. Families with more financial resources may spend more money on books for children, take their children to museums, spend more on daycare in the early years, locate in neighborhoods with better schools, etc. These actions may result in higher performance on standardized and scholastic tests, and thus, in a higher probability of attending university in the future.[54]

In sum, most refugees belong to the low-income segment of Canada's population. They face higher levels of unemployment and underemployment compared to other immigrant categories and those born in Canada. Consequently, as part of the low-income population, refugees are likely to misperceive the cost and benefits of higher education and be deterred by high tuition costs.

Portes and Zhou argue that downward assimilation emerges from less welcomed newcomers' residency in poor neighbourhoods with low-quality schools. First, the theory's premise about education quality in high poverty areas should be examined across multiple Canadian contexts to see if it holds true. Students' understanding of the college process and rate of first-generation tertiary education attendees could serve as potential indicators of quality as it relates to tertiary education access. In this instance, a well-designed randomized study that examines higher education information sessions' impact on the higher education entry of refugees would be powerful and informative.

Refugees in Canadian Schools

Academic preparedness and achievement are associated with increased participation in post-secondary education.[55] Since Canada does not utilize standardized tests as part of its admissions requirements, high school grades become the main criteria for entrance into colleges and, in particular, universities. At the same time, with a growing applicant pool for limited spaces, Canadian tertiary institutions are boosting grade requirements, gradually limiting entrance to top students.[56]

Despite refugees' often difficult and limited pre-migration educational experiences, some scholars find that some refugees manage high academic achievements in Canadian schools. A study by Wilkinson provides evidence of refugees' positive academic performance.[57] Using a random sample of ninety-one refugee youth aged fifteen to twenty-one resettled in Alberta from 1992 to 1997, the researcher found that the majority of refugee youth were doing well in the education system, with half of the sample expecting to complete high school and enter post-secondary education. In particular, the study revealed that the factors related to refugees' academic success (defined as being on-track) were being of Yugoslavian origin, having spent more time in Canada, living in a large urban centre, and, to a lesser extent, having healthy parents. Of all these factors, ethnicity had the strongest impact. Unfortunately, due to sample constraints, Wilkinson only provides a basic ethnicity grouping of Yugoslavian and non-Yugoslavian.

Immigrants from war-zone countries—a population closely related to refugees—also exhibit high academic achievement in several subject areas. A recent study by Stermac, Elgie, Dunlap, and Kelly on 245 first-generation adolescent immigrant students who had arrived from war-zone countries found these students were doing as well as, and sometimes even surpassing, the academic achievements of Canadian-born students.[58] Immigrant students from war-zone regions performed as well in multiple academic indices including Math, Science, and English.

On the Wrong Track

In contrast to studies that demonstrate refugees' academic achievements, other studies have determined that not all refugees fare as well as Canadian-born students. In a large-scale research study of refugee children in the Toronto District School Board, Kaprielian-Churchill discovered students from Latin America were more likely to be enrolled in basic education tracks.[59] Among refugees who intended to go to university 20 per cent were enrolled in Basic or General programs rather than the Advanced program required for university admissions. By comparison only 5 per cent of Canadian-born students who aspired to university education were in mismatched tracks. Although this study is more than a decade old, it reveals an important incongruence between post-secondary aspiration and having the knowledge about the education system in Canada to realize that aspiration.

Moreover, the authors also find that refugees dropped out at higher rates than the Canadian average. They estimate that the overall drop-out rates for refugees aged nine to eighteen at arrival was in excess of the district's 30 per cent average. While somewhat informative, nine to eighteen is a large age differential, indicating a need for studies that use more meaningful age groupings.

Refugees' academic success lends restrained support to Ogbu and Simons' premise that refugees are semi-voluntary immigrants who are more likely to integrate smoothly into Western educational systems. However, it is clear that not all refugees do well. Refugee students may also not necessarily be enrolled in the appropriate level courses that will allow them to meet their higher education goals. *The important work now is to discern why and when refugees succeed academically and when they do not.* Age at arrival, the interplay of pedagogy and curriculum, and refugees' access to additional educational resources come to mind as important considerations. A study on the conditions in which refugees successfully manage or are challenged in navigating the K-16 educational pipeline would be useful.

Conclusion

This paper identified the economic and academic factors associated with refugees' access in Canadian post-secondary education. The dearth of research indicates the urgency for high-quality research that focuses on this group's challenges, barriers, needs, opportunities, and experiences. While they share similarities, immigrants and refugees differ in several important respects. Educational research on refugees as an exclusive group is absolutely imperative.

Not only do refugees differ from other migrants, but they also differ from each other. Refugees are not a homogeneous population with similar experiences. Their country

of origin, ethnicity, and pre-migration and post-migration experiences vary widely. Therefore, studies that include as many of these dimensions as possible would be beneficial to expanding our understanding and body of knowledge.

Access by higher education institution type is also warranted. There is a wide range of admission criteria at community colleges, technical colleges, colleges, and universities. Consequently, the expectations, opportunities, and barriers for access would also vary.

The existing research on refugees in Canada is largely quantitative, focusing predominantly on economic outcomes and mental health issues.[60] More qualitative work, including work that is epistemological in nature, offers the potential to understand a more complete narrative of refugees' experiences in accessing higher education. Detailed and rigorous qualitative studies that discern the lived experiences of whole persons must be part of a future research agenda.

Moving forward, studies incorporating in-depth interviews, participant observation and ethnography are needed. Longitudinal studies utilizing qualitative and mixed methods are well suited to identify critical higher education access issues that may present themselves at different periods in time. These types of studies would discern how refugees have fared with higher education, and subsequent integration over time, adding a rich texture to the current conversation that, although strong in statistics, lacks sorely in narrative.

The conjectures of the theories used to frame this paper, segmented assimilation theory and cultural ecological theory, can be extended in intriguing ways to inform future studies on higher education among Canadian refugees.

Segmented assimilation theory may be used to structure studies on integration patterns and education outcomes of different generations of refugees. At the University of Toronto, Boyd has already conducted research on the relationship between generation status and educational attainment of Canadian immigrants, finding in part that second-generation immigrants have more years of schooling than the third generation.[61] Studies on first- and second-generation refugees could be used to uncover if their higher education attainment followed a similar pattern. This theory can also be the basis of studies that look at a more nuanced study of refugee generations, such as the 1.5 generation, used to describe those who immigrate before the age of fifteen.

Studies that offer a deep examination of the intersection of refugee status, ethnicity, and educational attainment would be a valuable addition to the literature. Cultural ecological theory's positioning of refugees as semi-voluntary minorities who may not be burdened by a long history of systematic racism provides a useful grounding to begin this exploration.

The discrepancy between aspiration and educational track allows for space to conduct important work on the trajectory of tertiary participation. It also provides the opportunity to study success by focusing on refugees who met their goals of a higher education. Sampling from refugees in advanced tracks or in post-secondary studies, scholars can examine the supports, people, structure, and elements that were essential for aspiration and attainment to converge. What interventions and supports helped to bridge the gap between refugees' optimistic outlook and cursory knowledge of the Canadian education system?

Refugees' access to higher education holds important implications for both their and Canada's economic and social well-being. With the enduring wars and devastating natural disasters, the number of refugees is expected to increase. It is imperative that resettlement countries understand the challenges that refugees face in accessing tertiary education. Through ongoing rigorous quantitative and qualitative inquiry we can better inform targeted higher-education policy for refugees, arguably one of Canada's and the world's most vulnerable and resilient populations.

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Access to Secondary and Tertiary Education for All Refugees: Steps and Challenges to Overcome

Marina L. Anselme and Catriona Hands

Abstract

During situations of displacement, access for refugee youth to secondary educational initiatives is limited at best. However, upon the return of refugees, the national structure of their home country is most often weak and unstable. To ensure the economic, social, and political development of a society that has been severely affected by conflict or disaster, it is imperative that there be a youth population of capable, productive, and educated citizens who may provide an exit strategy from the situation. Future leaders must therefore be given the opportunity to promote the development both of themselves personally, and of their national structures, through learning—notably, secondary, vocational, and tertiary education. This paper underscores the need for and gaps in the provision of secondary educational initiatives, highlighting the many challenges involved in improving refugee youth access to both secondary and vocational education, and highlighting the issues that must be considered by policy and decision makers in order to facilitate and support such access.

Résumé

Pendant les situations de déplacement forcé, l'accès à l'éducation secondaire des jeunes réfugiés est réduit au maximum. Cependant, à partir du moment où ils peuvent retourner à leurs pays d'origine, son structure est en général affaiblit et instable. Afin d'assurer le développement économique, social et politique d'une société qui a été sévèrement troublée par un conflit ou catastrophe, il est impératif de compter sur une jeunesse compétente, éduquée et responsable d'un point de vue civique, et capable de créer et de soutenir une stratégie de sortie aux situations du passé. Les leaders de demain doivent avoir l'opportunité de se développer individuellement, mais également de développer leurs structures nationales, à travers l'éducation, notamment secondaire, professionnelle et tertiaire. Cet article souligne les besoins et les écarts existants en ce qui concerne la provision d'initiatives dans le domaine de l'éducation secondaire, remarquant les divers défis auxquels il faut faire face pour améliorer l'accès des jeunes réfugiés à l'éducation post-primaire (secondaire et professionnelle), et par voie de conséquence à l'éducation tertiaire. En outre, il souligne également les sujets qui devraient être considérés par les autorités politiques et décisionnaires compétentes afin de faciliter et soutenir ledit accès.

Introduction

Access to post-primary education creates long-term, sustainable growth and human development that is crucial for the rebuilding, stability, and recovery of states that have been weakened by conflict. Economic and social development in these situations is crucial, and therefore in order to ensure the future stability of a country recovering from a history of conflict or disaster, it is vital that future leaders are given the opportunity to promote their development, both nationwide and personally, through learning. Secondary education is thus integral to the rebuilding of an effective and reliable national structure.

Unfortunately, post-primary education is overlooked by most humanitarian donors, agencies, and organizations during the relief and reconstruction phase of humanitarian emergencies, as it "falls between the cracks" of development budgets for education, which typically concentrate solely on basic education for children, ignoring youth in the process. But these youth are typically one of the most neglected groups of people by aid organizations when it comes to providing assistance to the displaced. Youth who are left without access to secondary education are left idle and unproductive, susceptible to recruitment into rebel movements, violent gangs, and all forms of exploitation

including sexual abuse and illegal employment. Whether formal or non-formal, secondary education, including vocational training, provides a bridge to tertiary studies and employment, offering (and sustaining) physical, cognitive, and psychosocial security, protection, and self-reliance. Essentially, secondary learning bridges the gaps between conflict and peace, between dependency and self-reliance, between primary and post-primary, and between secondary and tertiary education or sustainable employment.

The Refugee Education Trust (RET) has run educational programs for displaced, refugee, and returnee youth for over ten years in countries that are either in conflict, coming out of conflict, devastated by natural disasters, or at high risk of violence. The RET has a focus on not just the relief needs of refugees and internally displaced youth and communities, but also the developmental needs of returnees. The provision of education and self-reliance to youth is important at such a vulnerable age and time, bridging the gap between emergency needs of displaced youth and providing developmental solutions in the home and host country during and after repatriation. Whilst many UN agencies and international or national organizations offer protection, food, water, medical assistance, and primary education, the RET is the only organization focused exclusively on education for youth affected by conflict or disaster. In order to ensure stable societies, we need to counter the traumatizing and destructive experiences that war-affected youth have undergone. It is important that conditions are created that assist in producing positive and productive roles for youth in developing countries. An important way to avoid future conflict is through realizing and encouraging the dynamism and capacities of youth as the leaders of tomorrow's societies. Youth cohorts who are not given the opportunity to integrate into community and social structures are less able to acquire the skills they need for peaceful and constructive adult lives.

This article will consider the various factors involved in secondary education for refugees, examining the need for improved access, the main challenges faced by refugee youth and organizations working for their education in accessing and providing such programs, and the value of post-primary education in situations of displacement. Economic, social, and community development and the recovery of a nation are reliant upon the value of young leaders, able to lead the way out of poverty and post-conflict situations. However, this is dependent upon such potential leaders' access to valid secondary education. Recommendations made in the conclusion will stem from the RET's extensive experience in the field.

Issues Surrounding the Needs at Secondary Level for Refugee Adolescents and Youth

Being uprooted does not deny refugees their right to education, nor remove the states' responsibility to provide it. Nevertheless, refugee youth and adult access to appropriate learning and life skills during their exile is extremely difficult, in developing as well as in less developed countries. The provision of primary as opposed to secondary education for refugees has astonishing differences. Basic education, as one of the Millennium Development Goals and the main focus of the Education For All (EFA) initiative, is considered a priority over secondary education in nearly all humanitarian situations, and even then, it will consistently be left until the reconstruction phase of such emergencies, with health care, access to food and nutrition, clean water, and other forms of protection being prioritized, as expected. In the case of refugees, and in terms of international funding policies, the different stages of education are often perceived as independent compartments, instead of interdependent and interactive links in the educational process. However, the perspective of lifelong learning here is essential. In that respect, for instance, it has been proved that high rates of enrolment and the achievement of learning outcomes at primary level depend significantly upon the availability of post-primary educational opportunities. Likewise, it is widely acknowledged that children who attend pre-primary educational programs are better prepared to succeed in primary education later on, and the provision of non-formal literacy courses for youth and adults who had their schooling interrupted not only improves their personal capacities and competencies, but also can have a positive impact upon the promotion of school attendance for their children; youth are an important potential resource for the development and reconstruction of societies and countries recovering from conflict.

It is often the case that this gap between primary and post-primary education is correlated with situations of conflict or disaster, especially in countries with restricted economic opportunities and poor governance. Indeed, as Rose and Greesley[1] discuss, attention to post-basic education is crucial to mitigate the risk of fragility of these nations, through the attention to youth (particularly disaffected youth), and the promotion of a more solid national framework through support to post-primary education for national capacity development and recovery.

However, providing a general academic education is often either not enough, or not suitable for the particular context that a school or centre is operating under. It is important that there is emphasis on the benefits that vocational or income generation training can bring to both individuals and communities in forcibly displaced situations.

Youth may not attend school if they and their families see little direct benefit from the education that is being provided. However, an improvement in attendance rates will have a positive impact in education outcomes of the concerned youth. If they understand that there are economical advantages (and therefore concrete improvement to their lives) to their attendance, this will lead to more demand for such courses, and therefore to an improvement in attendance rates, and in turn to greater numbers of skilled and educated youth. Economic dimensions to the development of adolescents and youth are crucial for improving their self-esteem, social status, and overall identity.[2]

Today, 80 per cent of the world's refugees live in less developed countries, with 42 million displaced people worldwide (15.2 million of those refugees).[3] According to the Adolescents and Youth Task Team of the Inter-Agency Network for Education in Emergencies (INEE), approximately 35 per cent of refugees in the world today are young people aged between twelve and twenty-four.[4] However, despite the fact that the numbers of refugees making up the migrant population has fallen, from 8.8 per cent in 2000 to 7.6 per cent in 2010,[5] the capacities of governments and aid agencies to provide continued and successful assistance to them has not significantly improved in terms of educational opportunities. According to the Women's Refugee Commission,[6] only 6 per cent of all refugee youth of secondary school age were enrolled in secondary school in 2009. However, the provision of education for national, non-displaced youth (especially in countries experiencing conflict or disaster) is still remarkably poor, and this is something that urgently needs to be addressed as well.

For internally displaced persons (IDPs), the situation is often worse than it is for refugee youth. The lack of legal frameworks that outline and monitor their rights considerably result in a lack of access to services such as education, as does the absence of state capacity and will to provide it. According to Munoz (former UN Special Rapporteur to the Commission on Human Rights), it was estimated that as recently as 2008, 90 per cent of internally displaced persons around the world went without access to their right to education.[7] As they still remain under the protection of their own government, they are reliant upon a state that often has neither the ability nor the disposition to provide services at all, and that often is the cause of their flight. In fact, UNHCR's mandate did not originally cover the protection of IDPs, though the agency has more recently recognized their needs and is now the foremost provider of protection to such displaced populations.

In humanitarian contexts, refugee and internally displaced adolescents and youth have the least access to formal education, as compared to youth who are not forcibly displaced. Many have not even completed their primary schooling and require a range of formal and non-formal educational options,[8] and still to this day, governments and international stakeholders do not put education in the context of lifelong learning,[9] instead focusing on the goal of providing at least a few years of primary education to those in need. The consequences of this can be dramatic because they can severely affect the capacity of the personal and national development of those involved, especially those in fragile areas that have been severely affected by conflict or disaster, perpetuating cycles of poverty, instability, dependency, and lack of good governance.

In addition, the concept of providing access to non-formal secondary programs for displaced youth is an increasingly important one. In many contexts the majority of displaced youth (and host country national youth) are out of school and unable to return to a traditional classroom setting. Schools and education facilitators (be they NGOs, UN agencies, host/national governments, etc.) need to realize this and be open to changing their approach by going to the youth where they are, rather than providing only a school environment. The RET has run programs that abide by this in many countries. For instance, the provision of Secondary Education through Distance Learning (SEDL) programs in Chad enables Sudanese displaced youth unable to attend formal secondary schooling in the Eastern Chadian camps' classrooms, where they may study for their exams on their own initiative, with study guides, group meetings, and regular monitoring by RET staff and "Peer Educators." These students, like those who attend the RET's formal classes, are able to sit for the Sudanese accredited certificates (which the RET prepares in collaboration with the International Africa University in Khartoum) at the end of each year, qualifying them for future work or study in Sudan and elsewhere in the region.

Main Challenges Faced by Refugee Youth to Access and Succeed in Quality Secondary Education

Today, forced migration is characterized by two major trends that impact upon the realization of rights and the achievement of long-term solutions: (1) an increase in the number of "urban refugees" and (2) an increase in protracted refugee situations, which affects not only urban refugees but refugees in general. For instance, with the increased number of refugees living in urban areas rather than rural or remote regions,[10] "*there is an inevitable increase in protracted refugee situations as the availability of solutions declines,*"[11] thus directly affecting the number of refugees globally and the "quasi-permanent" situations they are living in. Considering this, it is important to note that worldwide, refugees generally stay in exile an average of seventeen years.[12] These

trends frame the major challenges faced by refugee hosting countries: how might refugee youth access relevant, good quality educational and training programs that on the one hand will enable them to contribute in more meaningful ways to local economic and community development, and on the other will enable them to realize their individual capabilities and values of respect, justice, and responsible citizenship? Under these circumstances, several obstacles need to be overcome by individual stakeholders to achieve the realization of the right to education for refugee youth around the world, in particular in the areas where the need is greatest and the situations of displacement most protracted.

Challenge 1: Limited Implementation of the Existing Legal and Protection Instruments

In general terms, the presence of refugees in a country raises certain challenges—notably as to how to ensure that their human, social, economic, and political rights, including the right to education in the broadest sense, are upheld—and for all, not only children. In spite of the importance of unsatisfied needs and the insufficiency of international support, refugee youth are not completely deprived of international legal instruments that pave the way to accessing their rights to a lifelong learning process, beyond the boundaries of basic education. It is not our intention to present an exhaustive portrait of all those instruments; however, here we will mention those that have broad state recognition.

According to the 1951 Refugee Convention, refugees are entitled to a range of civil, political, and socio-economic rights, including protection from *refoulement*, the right to work, housing, social security, and schooling. In general, refugees are entitled to the same human rights and assistance as other foreigners. Article 22 of the Convention deals with the right to public education. There is no requirement as to residence or lawful stay in the country of asylum for the enjoyment of this right. With respect to elementary education, states have obligations to accord to refugees the same treatment as they accord to their own nationals.[13] This should, as a minimum, include access to pre-school and primary school. As elementary education is compulsory for everyone, asylum-seeking and refugee adults and children, who have not completed such education, are entitled to receive it on the same terms as the citizens of the country of asylum. There is no obligation to wait for the asylum procedures to commence or to be completed. Education other than elementary, such as secondary and higher education, should be accorded to refugees as favourably as possible.[14] This implies access to studies; the recognition of foreign school certificates, diplomas, and degrees; the remission of fees and charges; and the award of scholarships.

International human rights law complements international refugee law and broadens the scope of the right to education for refugees. In that respect, the right to education is safeguarded in a number of other international instruments.[15] And all of them underline the fact that access to education should be maintained on the basis of equal opportunity, regardless of the person's legal status, nationality, or gender.[16] Besides, the 1966 Covenant on Economic, Social and Cultural Rights (ICESCR) and the 1989 Convention on the Rights of the Child (CRC) recognize that primary education must be made compulsory and available completely free of charge to everyone (the UN Committee on the Rights of the Child has indicated that a minimum of nine years of education, primary and secondary, is expected, and that free and compulsory primary education should comprise at least six years). These instruments further provide that secondary education, including technical and vocational training, must be generally available and accessible to all; i.e. access to such education should not be dependent on the student's capacity or ability. Higher education (e.g. college and university) must be accessible to all who qualify, with no discrimination on gender, age, ethnic, or any other grounds.

Nevertheless, most asylum countries' governmental policies are generally vague and unclear with regard to refugees' rights to non-compulsory education levels and programs. In that sense, refugee youth are therefore less protected than refugee children; and certainly much less favoured than their national peers. It is important to note that in some cases when refugee populations are compelled to live in camps and they remain there for years, access to and provision of education, particularly basic education, is very often better developed inside the camps than in the neighbouring local areas.

Unfortunately, however, refugee youth are rarely able to exercise and leverage the above such legal instruments, despite the strong arguments in their favour, in order to impel the provision of education.

Challenge 2: The Need for Special Support

Forced displacement interrupts the cycles of education; therefore, in order to catch up after months and even years deprived of education, refugee youth may need support to refresh and update their skills before accessing secondary educational opportunities, which will also prevent their failure or dropping out from school. Refresher courses during holiday time and accelerated learning programs are alternatives that could allow refugee youth access to post-primary education. Evidently, in countries with economic resources under serious strain, complementary and well-tailored educational programs aiming to fulfill the particular needs of

refugee youth cannot be realized without the support of the host country stakeholders, the international donor community, and the intervention of expert educational organizations capable of proposing such initiatives. Otherwise, in the best-case scenario, the majority of refugee youth who have interrupted their education will be compelled to learn only basic life skills.

In Chad, the RET has been running an accelerated learning program for two of the six years the organization has been present in the twelve Eastern camps for Sudanese refugees. In response to the urgent need of students who are of secondary school age, but who have missed vital years of schooling due to their displacement, the RET provides this course of study, implemented through distance learning. Students are given three years of schooling in one, thus catching up in their studies so that they can complete their secondary education. All students must take three compulsory subjects (French or English, Islamic studies, and Arabic) and a minimum of four optional subjects from among twelve that are offered. In order for the students' education to not go to waste once they are repatriated, the RET holds an exclusive Memorandum of Understanding (MoU) with the Sudanese Ministry of Education that enables the refugee students based in Chad to take the Sudanese curriculum, and to sit for their exams in Chad (therefore eliminating the risks that travelling to Sudan for the tests can have on such youth). Through the SEDL program, the RET has reinforced the teaching skills of all "subject animators" by providing them with training on teaching methodologies, study-group management, health, human rights, and peace education. Subject animators organize their study-group lessons in the education centres built and supported by the RET, and lead the study-group lessons on a weekly basis.

Concerning peer-to-peer education, in 2009–2010, 100 "spill-over" students formed twelve learning groups and 180 new SEDL students formed twenty-four learning groups. All of the students in these groups benefit from the support of the different subject animators in each education centre. Each student who passes their exams receives an International Secondary School Certificate (ISSC) which is recognized by universities in Sudan and in surrounding Arabic countries. It is important to recognize that host and home national governments play a vital role in the provision of education to displaced and refugee youth; without such a MoU, the RET would not be able to promise these students access to employment or future study in their home country upon return.

Challenge 3: *The Costs of Post-primary Education*

Access to secondary and tertiary education is often not free (including for nationals). Both require more skilled teaching staff, school infrastructure, equipment, and learning materials, and these are all significantly more expensive than in primary education. Families affected by conflict or emergencies are often unable to meet these costs, with refugee girls often at a bigger disadvantage than refugee boys, due to economic disparities or cultural patterns. Scholarship programs are very limited, and most of the time will not cover the entire cost of education-related expenses (such as transportation, clothes, uniforms, food, and accommodation). Often, only refugees who are supported by their families are able to continue with their education, which reveals that the principle of *égalité de chances* regardless of the individual's socio-economic origin, gender, culture, and nationality is an unachievable goal for refugee youth populations. In that respect, when looking towards sustainable solutions to make secondary education a reality for refugee youth, it is imperative to broaden the boundaries of "individual learner support" to include measures that assist in income generation for their families. This impacts positively not only in terms of access to and retention in education, but also in increasing female participation in post-primary education.

Challenge 4: *Lack of Reliable Systems for Recognition and Accreditation of Learning Outcomes*

Access to secondary education remains very difficult for refugee youth because it depends on proven evidence of previous studies, economic resources, and proficiency in the local language. Refugee women and girls are often more severely affected by these criteria than refugee men and boys. As mentioned before, attendance in the educational cycle will have been interrupted by sudden displacement and, very often, refugee youth complete their education by attending different schools in different settings, and their chosen tertiary institutions may not recognize these or may not have entry systems in place that are sensitive to their educational background. Moreover, learners' previous educational experiences, even with appropriate documentation, are often not (or not fully) taken into account by the relevant educational authorities, who tend to refuse them access or to place them in an inappropriate education level. The inflexibility of placement procedures affects learners' access, continuity, and progression in their new education system.[17] This situation is also prevalent in many refugee camp contexts.[18]

The 1951 Refugee Convention encourages the contracting States to recognize foreign school certificates, diplomas, and degrees,[19] but there is a lack of consistency in application of these rights when it comes to the recognition and certification of refugee diplomas and other educational attainments. In addition, the securing of formal recognition of learning achievements and certification should be considered as an

integrated principle from the beginning of any humanitarian response as well as in protracted situations·

The timing of this type of response is critical in avoiding a scenario where learners lose years waiting for such certification or "permission" from governments. In Tanzania, for instance, it took two years for the government to permit Burundian refugees to receive "formal" primary education. Previously the primary schools were called "Child Activity Centres" and were not able to provide refugee children with the same certification as formal schooling. Moreover, more years were needed to permit refugee youth to receive formal education. This is relevant both for refugees living in camps and for those living in urban areas. There have been few instances of cross-border recognition of examinations and curriculum, but those that do exist include, for instance, those in Tanzania for Burundian and Congolese refugees (during the five years working with and supporting the secondary education of Burundian and Congolese refugee youth, the RET ensured that their school examinations were recognized by the Ministry of Education of their country); in Guinea for Liberian and Sierra Leonean refugees; in Chad for Sudanese refugees; and in Pakistan for Afghan refugees, amongst others. However, there is a general lack of clear regulatory frameworks and consistent policies with regard to accreditation and validation, leaving refugees open to arbitrary treatment, and therefore unprotected.[20]

Challenge 5: Differential Barriers to Access

It is easy to assume that the above challenges faced by refugees are the core reasons why such youth find secondary education so challenging to access, including those challenges that governments of host countries (or national governments of IDPs) face in providing education to the displaced and returned. However, it is sometimes the case that there are underlying reasons why certain refugee youth may not be able to access the schooling even when it is provided. For instance there can be certain barriers set up by cultural norms and/or economic and family obligations, such as early marriage and child care obligations for young females, youth being required by families to stay at home and work or tend to agricultural income-generation activities if they are in rural areas, or other jobs requiring their attention and labour. Often it is the case that refugee and displaced young women and girls have married at an early age and/or have young children or elderly relatives to take care of, in addition to their household chores and responsibilities, and these obligations can create a huge barrier to their access to education. In addition, school closures due to lack of funding and maintenance, a lack of safety and security both at and en route, to school and bureaucratic restrictions[21] can also have a negative impact on students' access to and attendance at school.

One issue that is seldom addressed during the sporadic provision of secondary education to refugees is that it is unrepresentative to define all refugee youth simply by their age or gender. Youth must be defined by various socio-economic, cultural, and political factors, in order that the provision of services to them is both accessible and relevant to their needs. For instance, physical or mental disabilities can have an extensive impact on access to services such as education. Taking these into consideration is vital if equality is to be reached in the provision of such services. Ethnicity is another actor to be taken into consideration—something that truly defines an individual's identity in most situations. A dilemma often seen in this field of intervention is how to ensure the curricula proposed for the refugee and displaced youth are relevant to their particular needs as well as recognized and officially validated by their home countries.

The RET, in places such as Afghanistan, Burundi, Latin America, and Chad, makes special effort in order ensure such issues are considered during program development and implementation. For instance, young women are encouraged to attend school in addition to their other responsibilities. In Afghanistan, for example, a daycare kindergarten centre for the young children of female students is provided and is utilized by more than 50 per cent of the student body, who bring their children to school (where they are provided with basic pre-primary education as well). This enables the students to concentrate on their studies whilst knowing that their children are safe and cared for. In Burundi, the RET works in boarding schools where both male and female students are resident, removing the burden of their livelihood from their families, who for the majority of the year have one less mouth to feed. It is essential that such factors are recognized as being critical in the provision of education, whether it be primary, secondary, vocational, or tertiary.

Conclusion and Recommendations

In 2000, at the World Education Forum in Dakar on Education For All, six goals were established to ensure that the learning needs of all children, youth, and adults would be met by 2015. Goal 3, "to promote learning and life skills for young people and adults," was welcomed by certain members of the international community as recognition of the urgent need to provide education beyond primary level. In parallel, and with a visionary perspective about the fields where human and financial investments should be improved and expanded, the former High Commissioner for Refugees, Sadako Ogata, launched the RET as an independent and non-partisan organization aiming to bridge the gaps between primary and post-primary

education for adolescents and youth living in conflict- and post-conflict-affected regions around the world.

Today, ten years on, the International Year of Youth marks the recognition of the vulnerabilities and potentials of adolescents and youth when it comes to gaining life skills and transitioning to adulthood. The statement issued by the Heads of UN Entities for the Launch of the year commented (albeit briefly) upon the lack of development in the educational sector worldwide for underprivileged youth, including refugee youth: "Although youth literacy rates have improved considerably … progress has been uneven, with sub-Saharan Africa and Southern and Western Asia falling behind.[22] Their recognition of the need to increase investment in secondary education—"the minimum level of education needed to succeed in our increasingly globalized economy and to guarantee young people a smooth transition to decent jobs"[23]—is a step towards ensuring stability and reconstruction of post-conflict states.

In spite of the reluctance of the international community to support youth—and particularly education for youth—affected by conflicts, the RET, over the last ten years, has been building expertise and advocating for and pursuing its mission through which more than 500,000 refugee, IDP, and returnee youth have had access to post-primary educational opportunities. Despite this success, it represents a drop in the ocean in light of the existing and increasing numbers of refugee youth waiting and looking for support to pursue their education after primary level. Students who have shown promise in a particular subject should be allowed the chance to develop their capacities and find their exit strategy out of unemployment or harmful situations. In this respect, the individual and socio-economic added value of post-primary education for refugee youth should be generally endorsed by humanitarian actors and decision makers.

Following this, it is important to highlight some key issues that must be considered by policy and decision makers in order to facilitate and support equal access for refugee youth to relevant and high-quality secondary education.

- In the field of education for refugees, education interventions must be gender sensitive (particularly taking into consideration the needs and situations of girls and young women—for instance providing free and available sanitary materials, clothes, and separate toilets for vulnerable young women and girls).

- Education for refugee youth should consider livelihoods training and opportunities for their families. Poverty and the particular lack of income generation is one of the major obstacles to access and complete one's education, particularly after primary level.

- Actors and decision makers at all education levels must ensure measures and systems aiming to recognize and validate programs and learning attainments from the very start. The post-primary curriculum followed by refugees should be recognized by relevant institutional parties capable of making access to tertiary education possible for students.

- Governments, as well as the donor community, supporting education for refugee youth should encourage assessment, certification, and validation of learning achievements within regional and international frameworks, supporting cross-border certificates, exchange of good practices, and co-operation as well as the development of mutual recognition and validation of certificates and systems in a timely manner.

- The donor community should ensure its support to post-primary education (secondary, vocational, tertiary, university) by creating appropriate mechanisms to link humanitarian relief funds with development funds. Individual refugee scholarship programs should be expanded, aiming to make access to tertiary education a right and not a luxurious opportunity for a very small elite group.

- Governments and the international community should facilitate the integration of refugee youth in the national education system. To do so, they must ensure formal or non-formal educational activities in order to facilitate this. For instance, those activities could be catch-up classes, accelerated learning programs, language courses, and so on. Particularly, but not exclusively, distance learning programs must be considered as a method to ensure access to tertiary education for refugees living in remote areas. In that respect, partnerships with the private sector should be encouraged to support the technological aspects of such programs.

It is widely understood that national competitiveness depends on the knowledge and skills of a country's citizens. For that reason, strengthening access to secondary education for youth affected by and living in conflict and post-conflict environments is critical in reducing the vulnerabilities of individual lives, but also in impacting positively upon the future of a society in terms of reconstruction and socio-economic development.

Notes

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12. Figures at the end of 2003. UNHCR, Protracted Refugee Situations, Standing Committee 30th meeting, EC/54/SC/CRP.14, 10 June 2004: 2.

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14. 1951 Refugee Convention, Article 22(2).

15. Universal Declaration of Human Rights (1948: Article 26); Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1950: Articles 24, 50, 94, 108 & 142); International Covenant on Economic, Social and Cultural Rights (1966: Articles 13 & 14); Convention on the Elimination of All Forms of Discrimination Against Women 1979: Article 10); Convention on the Rights of the Child (1989: Articles 2, 28, 29 & 30); Millennium Development Goals (2000: Articles 2 & 3).

16. See the non-discrimination provisions contained in Article 3 of the ICESCR and Article 2 of the CRC. Article 10 of the CEDAW affirms that women have equal rights with men in terms of education. See also UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 1999, paras. 6 and 34.

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19. The 1951 Refugee Convention, Article 22, states, "The Contracting States shall accord to refugees' treatment as favourable as possible as and in any event not less favourable than the accorded to aliens generally in the same circumstances with respect to … the recognition of foreign school certificates, diplomas, degrees."

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Paths to a Future for Youth in Protracted Refugee Situations:
A View from the Thai-Burmese Border

Mary Purkey

Abstract

As youth in protracted refugee situations reach adulthood, the challenges of providing education to them have increased. Along the Thai-Burmese border, some creative approaches are being taken in order to respond to their needs. This article describes four programs, each with a different character. Although available to relatively few, they demonstrate some roles that civil society, and in particular educators and educational institutions, can play in delivering or in ensuring access to higher education for refugee youth living in protracted situations. Most critical are creativity, flexibility, and respectful collaboration between educators and both refugee and host communities.

Résumé

En matière d'éducation, les difficultés des jeunes en situation de déplacement prolongé s'accroissent au fil des années. Le long de la frontière qui sépare la Thaïlande et la Birmane, des mesures novatrices sont mises en œuvre pour répondre aux besoins de ces jeunes. Cet article décrit quatre programmes, chacun ayant un aspect particulier. Même si peu en bénéficient, ces programmes révèlent les fonctions que peut jouer la société civile, en particulier les éducateurs et les établissements d'enseignement en offrant aux jeunes réfugiés en déplacement prolongé une éducation supérieure ou en y assurant l'accès. Les éléments primordiaux sont la créativité, la souplesse et la collaboration respectueuse entre les éducateurs et la communauté des réfugiés et la communauté d'accueil.

> To gain democracy is our responsibility. So, I want to take the responsibility for my society as much as I can. To take the responsibility we need higher education … I'm willing to help the people who are suffering many problems when I become an educated person.—*Min Ma Haw student*

The Thai-Burmese border is the setting for one of the numerous protracted refugee situations in the world in which a generation of displaced youth has reached young adulthood, in most cases without legal status or basic rights such as freedom of movement or the right to work or to continue education beyond a very basic level. This situation is complicated by the fact that only the 150,000 (give or take) Karen and Karenni people who live in the nine refugee camps that dot the border are considered "refugees" under Thai government policy.[1] Another one to two million displaced Burmese live outside the camps working as illegal migrants, many in factories and fields surrounding the town of Mae Sot.[2] With them have come enough children so that the area now hosts sixty-two informal migrant schools, some with as many as four hundred students, created over the last decade by Burmese educators eager to provide a meaningful educational experience for the displaced youth.[3] As the oldest of these children reach adulthood, educational options are running out and the risk of deportation or abuse as illegal migrants looms.

This paper will describe four strategies being tried out in Mae Sot and the surrounding area in the hope of extending educational opportunity to these young adults. The common features of these programs most critical to their survival are close collaboration between educators from the international community and the displaced Burmese community, flexibility in curricula, and donor support from communities abroad. Although it is difficult to evaluate the success of programs as new as those described here, it is the thesis of this paper that the ways in which these features

are managed will determine their success. Briefly, collaboration must be of a certain character whereby educators from the international community listen to and take their cue from their Burmese partners. Whatever their expertise in delivering education, "foreigners" who impose visions on communities such as the displaced Burmese educational community in Thailand rob these people, who have already lost so much, of their agency, their creativity, their right to define their own needs and aspirations. Burmese educators are generally eager to learn more about curriculum design and delivery but also understand their own culture and educational context in ways their partners cannot fully appreciate. Moreover, genuine partnership involves exchange and learning on *both* sides.

That said, on the ground, practical considerations necessarily take precedence and force Burmese educators to embrace flexibility in curriculum development and to take funding from whoever will provide it. Displaced communities have few resources and are often at the mercy of whatever skills their educational partners bring with them. For example, English and social science teachers and materials are more abundant than teachers of natural sciences. Thus whatever educational "vision" the Burmese may embrace, they usually have to take what is available. The same applies to funding which often comes with strings attached. This harsh reality makes the genuine effort to create a collaborative relationship (that at least aims to empower rather than impose) even more important, as well as more challenging.

In addition to the three common threads noted above (close collaboration between educators from the international community and the displaced Burmese community, flexibility in curricula, and donor support from communities abroad), also important to survival is the less common building of a friendly and mutually beneficial relationship between the educational partners and the host community. Unlike initiatives taken in some other protracted refugee situations in the world (e.g., Kenya), none of the programs described here is in a position to invite participation by Thai youth because either the legal status of the refugees is very precarious, they lack sufficient funding, or the political/social culture has not encouraged such developments. Despite these obstacles, two of the programs described in this paper have begun to build ties with the local Thai community, and this paper argues that efforts in this direction will contribute to long-term sustainability.

The most academically oriented of these programs is an eighteen-month diploma program in Liberal Studies offered to forty Burmese youth by the Australian Catholic University (ACU) through a combination of on-site and distance teaching. The ACU program began in 2004 with a pilot project offering a Diploma in Business. Courses were delivered online to a small group of students from Mae La Refugee Camp north of Mae Sot. After the pilot, organizers interviewed elders in the refugee community regarding their concerns, goals, and hopes for their youth, revised the program, and for logistical reasons moved it to the Mae Sot area. The current eighteen-month program, begun in 2008, includes units in Business Information Technology, English, and other courses with a social science orientation (e.g., World Geography).

Participating students are formally enrolled at ACU. Each has a student number and can access the university web pages provided for students and courses. Because ACU has limited capacity, of the eight courses in this program, four are provided by it and the remaining four by other universities. The teachers from these universities make one-year commitments and are asked to contribute $5,000 from their university for the infrastructure needed to support the courses they are contributing. At the time of writing, students were enrolled in four courses for six-week periods at a time (two delivered by on-site teachers and two delivered online). However, the program continues to expand and in the 2011–2012 academic year will include more and longer (twelve-week) courses. Logistical difficulties do exist. Students who have spent years in refugee camps find management of the internet communication necessary for distance education challenging, even though ACU provides an on-site tutor to assist them. In addition, for students who lack legal status, accessing the program is not simple. Finally, it is too soon to evaluate outcomes.

The second program, Min Ma Haw Educational Foundation (www.mae-sot.org), an NGO initiated four years ago by a young Australian couple in collaboration with Burmese activists in Mae Sot, prides itself on being multi-ethnic, secular, and dedicated to advancing bright students who are committed to working for their country rather than seeking resettlement. It offers two different but complementary programs. The first is a one-year program designed to prepare "post-ten" students to pass the American high school graduating equivalency test, the General Educational Development certificate (GED), in the hope that they will then be able to qualify for scholarships to universities in Thailand or elsewhere. The second involves a year of more general studies geared toward meeting the educational needs of students who have the potential to go far educationally but who are not yet ready to do the GED preparation. The curriculum of this program depends in part on available volunteer teachers. Students take courses in English, Thai, math, social studies (e.g., economics), "Burma Issues," and science when the school can find a volunteer to teach it. They learn to read relatively complex texts and to write essays. They hope to build their skills and

knowledge so that they can qualify for the GED preparation program and/or win scholarships to university.

Min Ma Haw collaborates with the Thabyay Foundation, originally a creation of the Soros Foundation's Open Society Institute, now a registered Thai charity that matches qualified Burmese students with available scholarships funded by a number of international NGOs (e.g., Prospect Burma, a British NGO) so that they can attend Thai universities willing to accept them.[4] In 2009, thirty-six scholarships were granted to Burmese youth. A few of them were Min Ma Haw students. The school staff helps these successful students take the next steps, such as obtaining legal documents (student visas) and relocating. It also tries to help students who do not qualify. During the last months, it has begun to collaborate with Youth Connect, a vocational program described below, as well as to implement training in bookkeeping, journalism, computer skills, and "business through agriculture" to provide educational alternatives for these students.

Several challenges at Min Ma Haw are the need for long-term commitments from volunteer teachers (noted above), the difficulty of recruiting science teachers, and the lack of guaranteed funding needed to insure the continuity and integrity of the program while meeting the expanding demand. The school is supported by both Burmese and international organizations and individual donors on a month-by-month, ad hoc basis. Thus its existence is tenuous. Nonetheless, it has more than enough applicants. Last year, the school interviewed six hundred students, aged seventeen to twenty-four, for its sixty places. They come both from inside Burma and from refugee camps and migrant schools. They live, study, laugh, sing, and dream together, counting on the school to find donors and on their own belief in the promise and power of education to transform their own lives and the world.

Most youth confined to a refugee/illegal migrant existence have more modest aspirations than the Min Ma Haw or ACU students. Many Burmese youth are simply looking for employment that will enable them to avoid the slave-like conditions endured by illegal factory and field workers. During the last two years, a vocational training program started by a young American with deep ties to the local Thai and Burmese communities in Mae Sot has begun to respond to the needs of this population. It is called Youth Connect (youthconnectthailand.org). The Youth Connect Project has four components. The first is a six-month training that includes practical Thai language and preparation in "life skills" such as budgeting, nutrition and health, addiction avoidance, and communication. Six paid Burmese and Thai trainers deliver this program to 250 students at two of the migrant schools in Mae Sot. Volunteer

teachers are used only if they have special skill sets and are able to stay for extended periods of time. This training program allows Youth Connect to create a database on the participating students that helps its staff determine which students will be accepted to participate in the second of its programs.

The second program is a three-month apprenticeship with a Thai business. A number of crucial elements make the apprenticeships possible. First, Youth Connect selects reputable employers and pays the student apprentices so that the employers benefit from free labour. Perhaps more important, the Youth Connect team has negotiated an informal agreement with local police and immigration authorities that enables the youth to receive a three-month apprenticeship ID card which can be extended beyond the three months if the employers wish. At this point, employers agree to pay, but the youth are technically (legally, that is) not "employed" (only apprenticed). Youth Connect takes responsibility for apprentices' good behaviour and the employers are happy. Last year sixty students participated.

Two other programs complete the Youth Connect effort to provide a holistic approach to vocational training: a career counselling centre and a social enterprises project. The career counselling centre guides and tries to place youth who have completed an apprenticeship but not received employment. In the last year, of the twenty who participated, nineteen were placed. Students who have completed an apprenticeship may also apply to participate in several Youth Connect entrepreneurship projects: a motorcycle repair shop, a woodworking (furniture making) project, and a guest house. Finally, for youth who have used up the above avenues for employment or who are waiting for employment, Youth Connect provides short term, zero per cent interest loans on the condition that the youth commit to a budget plan.

In a country where abuse of migrant workers, frequent deportations, and confinement of migrants and asylum seekers are the order of the day, Youth Connect represents a ray of light created by creative thinking, hard work, good will *at a local level*, and donor support (in this case provided by a Swiss organization). Its goal is to provide a continuous vocational program that will lead energetic and hardworking youth from the migrant school world to responsible adulthood. While it does not solve the problem of lack of legal status, it provides skills that could become a bridge either to genuine integration into Thai society or to the ability to contribute to the reconstruction of Burma/Myanmar should return become possible.

As one Youth Connect student, a young woman employed by a foundation for women in Mae Sot, commented: "I am so glad that I attended Youth Connect training program.

Youth Connect provided me learning materials and taught me many essential skills that I can apply for my current job. Moreover, they assisted me with my work permit." Another, an apprentice at a Mae Sot Guest House, had this view: "I am so thankful and I am so proud to be one of students of Youth Connect because before I attended Youth Connect training program, I had thought that Thai language was not important for me … they taught me how to speak, write, and read Thai language. Moreover, they taught me about soft skills including solving problem, customer service, and communication … Now I am able to communicate in Thai language, and it helps me a lot with my work." Thai employers seem also content: "Youth Connect is a good organization. They provide both essential knowledge and work experience for migrant students. Youth Connect is an organization that really benefits to society … and students who graduated from Youth Connect program really show potential" (the second in charge of human resources at the biggest of Mae Sot's hotels). As the program unfolds in the years to come, it is without doubt this carefully nurtured relationship with the Thai business community that will help to insure its success.

The final educational initiative in this survey is Kaw Tha Blay Learning Centre (KTBLC), a "college" project situated in a Thai Karen village two hours north of Mae Sot.[5] It was started in 2005 through close collaboration between its Karen founder and a Canadian couple who shared a desire to foster development of civil society in Karen State in eastern Burma through higher education, then unavailable to Karen refugee youth either in Karen State or in the refugee camps on the border. They hoped that Karen youth would dedicate themselves to becoming leaders rather than resettle to Western countries. The Canadians reached out to their own community for support and created Project Umbrella Burma (PUB) (www.projectumbrellaburma.com), the small Canadian NGO that funds KTBLC.

At its inception, Kaw Tha Blay was located in Karen State as a matter of principle if not efficacy. Its founders wanted Karen youth to take pride in asserting the right to have education in their homeland. Sadly, in 2008–09 as the war encroached upon the border, the school was forced to move to its current home on land purchased from a Thai Karen patron. Ties of friendship have grown between the Thai Karen villagers and the school during the last three years. It now has a bona fide "campus" with five buildings including dormitories, dining hall, computer room, and office. It shares cultural celebrations with the neighbouring community and is training its first football (soccer) team to compete with other local Thai school teams.

The current program for the fifty-seven students entails two years of studies in English, Thai, Community Health,

computer use, accounting, human rights, leadership, and various other subject areas, depending on the talents of visiting teachers. The language of instruction for most subjects is Karen. The school has four paid Karen teachers. Of particular interest, Kaw Tha Blay's program includes an agriculture component. PUB purchased 3.5 acres of land close by and has also been loaned land by Thai Karen villagers on which it grows rice, vegetables, and fruit trees and raises animals that now feed the students. Along with studying, the students work the land. This holistic approach is rooted in a desire to develop skills, to be self-sustaining (at least in provision of food), and to foster commitment to the value of community. As in the case of Youth Connect, Kaw Tha Blay derives both physical security and potential for sustainability from the ties it has created with the neighbouring village and local authorities.

Last year, Kaw Tha Blay graduated twenty-two students. Although they lack the worldliness of students in Mae Sot, some have gone on to programs such as Min Ma Haw's post-ten program or to work for medical organizations providing services to the refugee community at Mae La or in Mae Sot. Others have returned to Karen state as teachers, medics, organizers, and leaders or in some instances, for better or worse, soldiers for the Karen military. An informal contract signed at the beginning of the program reminds students that their education is a gift in return for which they are expected to help their people. The Karen and Canadian project organizers work together to help them realize this goal.

While other post-ten programs are now being developed in the refugee camps along the border, this paper has deliberately focused on four operating in the urban (or in one case rural) refugee/illegal migrant context.[6] While two (ACU and Min Ma Haw) are more academic and two (Kaw Tha Blay and Youth Connect) more vocational, each is guided by its own distinct philosophy and approach. As they are relatively new and have not been subjected to rigorous evaluation, it is difficult to assess students' satisfaction or to measure success. A close examination of outcomes is a reasonable next step in weighing the potential of these educational options. It is clear that presently they are too small and few to cope with the overwhelming needs of the displaced Burmese community. The large number of applicants to Min Ma Haw is only one indicator of the demand, and the numbers are growing. Burmese youth (education migrants or refugees, as one project organizer called them) cross the border unaccompanied in order to attend the migrant schools and post-ten programs because, however deficient these programs may be in funding, materials, or teachers, they are preferable to the restrictive and repressive education offered in Burma/Myanmar. Unfortunately

the number of displaced Burmese students finding avenues for employment or for continuing education beyond these programs remains small. New developments are afoot. As the Thai Ministry of Education becomes increasingly interested in regulating the migrant "learning centres," it may also open a door to enrolment in vocational education to some Burmese youth. However, given other political uncertainties in Thailand, such a development is hardly assured.

What can the refugee advocacy and protection community learn from these educational initiatives? First, educators around the world have a special role to play in facilitating education of refugee youth in protracted situations. As volunteer teachers, they can fill gaps in educational programs developed by the refugee community by offering their time and expertise. All of the programs described above make some use of international volunteers. Educators are also in a position to facilitate development of distance education programs and educational partnerships. Second, flexibility and creativity in program development are imperative. As already noted, programs emerge and evolve based on changing needs and on the availability of trained teachers in different subject areas. Finding ways to work within limitations and to maximize opportunities that present themselves has been a necessary survival strategy for the Burmese educators. At this time, given the resources available, those who are developing new programs and partnerships must be prepared to work with this reality. However, educational institutions can help by providing incentives to teachers who are less likely to seek volunteer opportunities (i.e., science teachers) to undertake partnerships and by providing logistical and even financial support as in the case of ACU. All of these initiatives will succeed only if framed within a collaborative context that responds to the needs and aspirations of the displaced themselves.

Another valuable lesson, however, is the importance of genuine, larger collaboration between educators from abroad, educators in the displaced community (who are best situated to assess the needs of refugee youth) and, whenever possible, local authorities and educators in the host community—who cannot realistically be expected to embrace these initiatives unless they respect their communities' needs and are supported by the international community. Again, Youth Connect and Kaw Tha Blay provide excellent examples of respectful, friendly partnerships with the local Thai community—which can improve conditions for the migrant population generally.

Finally, all of these initiatives depend on civil society donors, not big-government aid agencies. Unfortunately, this kind of aid is unreliable. Donors run out of resources, or they lack trust in the accountability and transparency

of project organizers. In order for these small projects to succeed, donors must understand their responsibility to the communities they are assisting, work with them as genuine partners, and be prepared to make longer-term commitments to them. At the same time, they must deepen understanding of the protracted refugee situation within their own donor communities. On the positive side, whatever the limitations of this kind of financing, it allows those developing programs to address problems and seek solutions with a degree of personal engagement, flexibility, and *esprit de corps* between partners that governments rarely if ever achieve. Governments should still be held responsible. The obligation to provide education is embedded in international law as reflected in Article 26 of the Universal Declaration of Human Rights, to which *all* members of the United Nations are party, as well as in Article 13 of the International Covenant on Economic, Social and Cultural Rights and Articles 28 and 29 of the Convention on the Rights of the Child. However, since fostering education is ultimately the responsibility of all (states *and* civil society) who embrace the ideals in these documents, advocates and educators should not wait for governments to deliver. The time is right and the opportunities abundant for everyone to strive together to meet the challenges posed by aspiring young refugee/migrant students such as those on the Thai-Burmese border.

Notes

1. Thailand has not ratified the 1951 United Nations Convention relating to the Status of Refugees and has its own definition of a refugee as someone who is fleeing fighting. The number of people in the nine camps in Thailand fluctuates. *The Economist* reported that "Border camps hold an estimated 150,000 Burmese, 10s of thousands of whom are unregistered"; see the article "Welcome Withdrawn," October 15, 2010, http://www.economist.com/blogs/banyan/2010/10/burmese_refugees_thailand.

2. At the risk of alienating readers who are sensitive to the complex and problematic issue of ethnic difference in Burma/Myanmar, for the sake of simplicity, the term "Burmese" is used inclusively in this article to refer to all nationals of the state of Myanmar (Burma) and their sometimes stateless children, including those belonging to ethnic minorities such as the Karen, the most populous of the Burmese ethnic groups in the Mae Sot area. In addition, both names for this country are used because while Myanmar is the official name (chosen by the ruling junta in the 1990s), Burma is the name preferred by most displaced Burmese. Finally, the number of Burmese migrants fluctuates. A report by Human Rights Watch estimates 1.8–2 million to 3 million migrants in Thailand, of whom 70 per cent to 80 per cent

originate in Burma (Human Rights Watch, *From the Tiger to the Crocodile*, February 2010, 24).

3. According to *Educational Provision for Stateless and Cross National Migrant Children in Thailand* (Ministry of Education, Office of the Education Council, 2008, 17), Thailand as a whole has "some 88 migrant schools with an estimated 15,855 students and 981 teachers."

4. It is not impossible for Burmese students to obtain scholarships in other countries if they have a Burmese passport. However, restrictive immigration policies in many countries make it difficult for youth from refugee producing countries such as Burma/Myanmar to obtain the necessary visas.

5. The Thai Ministry of Education insists that Burmese informal schools registered with the MOE identify themselves officially as "learning centres" rather than as schools or colleges. Explanation of other recent developments with regard to regulation of the schools by the MOE would require a lengthier discussion than can be provided here.

6. For an excellent overview of educational challenges faced by youth in the refugee camps, see the report *Living in Limbo: Burma's Youth in Thailand See Few Opportunities to Use Education and Vocational Skills* (Women's Commission for Refugee Women and Children, 2008).

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Tertiary Education for Refugees:
A Case Study from the Thai-Burma Border

Duncan MacLaren

Abstract

The Australian Catholic University (ACU) has, since 2003, been involved in providing tertiary education for young refugees who have fled persecution in Burma to end up in refugee camps in Thailand. This paper examines the origins of the program, the changes made as lessons are learned, and the current Diploma program which is also supported by three US universities and York University in Toronto. It also examines how past graduates have used their qualifications for the common good, a term derived from Catholic social thought which informs ACU's specific Catholic identity as a university. The paper further looks at what challenges lie ahead within the Thai-Burmese context and how this model can be replicated in other protracted refugee situations.

Résumé

Depuis 2003, la Australian Catholic University (ACU) fournit un enseignement supérieur à des jeunes qui ont fui la persécution en Birmanie, pour aboutir dans des camps de réfugiés en Thaïlande. Cet article examine les origines du programme, les changements apportés au fil de l'expérience et le programme donnant droit à un diplôme, qui est aussi soutenu par trois universités aux É.-U. et par l'Université York, à Toronto. Il examine également de quelles façons les diplômés ont utilisé leurs qualifications pour le bien commun, terme dérivé de la pensée sociale catholique sur laquelle repose l'identité catholique de l'ACU. En outre, cet article examine les défis futurs dans la situation thaï-birmane et en quoi ce modèle de coopération peut être repris dans d'autres situations de déplacement prolongé.

Introduction: The Burmese Background
Causes of Displacement

The latter half of 2010 produced a flurry of publicity on Burma.[1] So-called democratic elections were held; "The Lady," Aung San Suu Kyi, was released from house arrest; and fighting broke out between a faction of the Democratic Karen Buddhist Army (DKBA) and the Tatmadaw, the junta's military arm, in Myawaddy and surrounding areas at the other end of the Friendship Bridge between Thailand and Burma. The fighting—which still continues—received less publicity than the other events, given the ignorance in international circles of the longest-running civil war in the world between the junta and the various ethnic armies, notably that of the Karen.[2] Yet this civil war, and the injustices that cause it and flow from it, is the reason that over 150,000 people, mostly from the ethnic minorities of Burma, have fled persecution and poverty in their home villages and towns to go to camps in Thailand.

Loescher et al. claim that the two main causes of forced displacement are the suppression of the pro-democracy movement and the conflict between the junta's military and ethnic military groups.[3] While that is true, there are other reasons for the displacement. South posits three types of inter-linked displacement crises: type 1, armed-conflict displacement; type 2, state/society-induced displacement; and type 3, livelihood/vulnerability-induced displacement.[4] Examples of the last two types would include corruption, with Burma holding second-last place in Transparency International's Corruption Perceptions Index and its associated costs, both material and human;[5] endemic poverty, leading to an infant mortality rate of 221 per 1,000 live births in eastern Burma compared to 21 in neighbouring Thailand;[6] a dearth of honest job opportunities; and a lack of educational opportunities. Overall, Burma/Myanmar ranks 132 out of 169 countries in the UNDP Human Development Index.[7] Burma's woes stem

entirely from its government. Burmese historian Thant Myint-U writes,

> The Burmese military dictatorship is the longest-lasting military dictatorship in the world, and it is also its purest. It is not an army regime sitting on top of an otherwise civilian state. In Burma by the late 1990s the military *was* the state. Army officers did everything. Normal government had withered away.[8]

This has been reinforced in the twenty-first century by army officers transmogrifying themselves into "democratically-elected" politicians in the 2010 elections and the beginning of the privatization of state-owned assets, mostly to cronies of the regime.

Higher Education in Burma

The Burmese government spends 1.3 per cent of gross domestic product (GDP) on education although one international source put the figure for 2010 at 0.9 per cent—an extraordinarily low figure compared even with 2.8 per cent spent on education in East Asia and the Pacific[9] in general. Less than 60 per cent complete even primary education.[10] There is a demand for higher education but access to it is controlled by the military. Campuses in Yangon and Mandalay have been moved to the cities' peripheries to avoid demonstrations and the universities are closed on whim. Most students study through "distance learning" so that they do not meet one another, thus ensuring there is no repeat of the student demonstrations of the past.[11] Strict government control of the Internet largely prevents people from using it as a group-gathering tool, allied with the proven brutality of the regime towards all dissent. The system, such as it is, is shot through with corruption, and jobs for graduates are scarce if they have no link to a member of the military. ACU's students from minority ethnic groups reported discrimination against them in universities, with lecturers even refusing to teach them without a bribe.[12] Burmese degrees, gained through a rote system of learning in addition to all the other malaises affecting higher education, are seldom recognized internationally. One male law student, quoted in *The Irrawaddy,* said, "No-one has any respect for Burmese education. Even if you have five degrees in Burma, no-one will care unless you have studied abroad. It's become that bad."[13]

What follows is the roadmap of an attempt to provide internationally recognized, high-quality tertiary education, at least among young, talented refugees who have fled to camps in Thailand from Burma or who are illegal migrants, recognizing that education is the cornerstone of any democratic society.

Burmese Refugees on the Thai-Burma Border
Education in the Refugee Camps and the Struggle for Tertiary Education

Given the scenario above, described by one commentator as the "Myanmar miasma," it is little wonder that the refugee camps along the Thai side of the border now receive not just the persecuted displaced but also the victims of "educational displacement," children and teenagers sent by their parents because they know the school system is better (as well as gratis) in a refugee camp than in Burma.[14]

In the camps, primary and secondary education is provided by UNHCR and myriad non-governmental organizations (NGOs) specializing in curriculum development, teacher training and provision of materials. In addition, the various ethnic groups have formed their own community-based organizations (CBOs) which organize the schools, hire teachers, and liaise with international funding and specialist NGOs. Among the Karen, who form around 60 per cent of the refugees overall, it used to be the Karen Education Department (KED), a branch of the government-in-exile, which had this role. After a clampdown on the more political Karen organizations by the Thai authorities in 2009, a new entity with NGO status—the Karen Refugee Committee–Education Entity (KRC-EE)—was formed to deal with education in the camps, whereas KED now caters for the many Internally Displaced Persons (IDPs) in terms of educational provision within Burma itself.

Camp schools are divided into general primary and secondary schools set up by the camp community and religious schools such as Bible schools and Buddhist monastic schools. Students learn Burmese, English, Maths, Geography, and Health as well as Karen, for that ethnic group, while other ethnic groups establish their own classes to teach their language and culture. There is nowadays a great emphasis on the quality of educational provision as it is generally recognized as being low though better than across the border.[15]

KRC-EE hopes to set up an "Institute of Higher Education," offering a range of specializations geared to "preparing students to serve their communities and fulfilling the needs of the communities both in the camps as well as inside Burma by providing human resources required in different areas," but it requires funding and accreditation which, so far, no university has granted.[16] In Mae La camp, one hour's drive north of the Thai town of Mae Sot, a college, the Learning and Management Training College (LMTC), has been set up by a number of Karen refugee academics and offers associate BA and BSc degrees, funded by a Swiss NGO, Child's Dream. However, the degrees are not recognized anywhere outside the camp—hence the use of the term "associate"—despite efforts to secure accreditation from Thai universities. Attempts by

ZOA Refugee Care, a Dutch NGO, to negotiate with the Royal Thai government to lease land close to Mae La camp for a higher education establishment have foundered on a lack of external funding and Thai prevarication.

The lack of external funding for tertiary education partially stems from the fact that both donor governments and NGOs regard tertiary education as a luxury, preferring to concentrate on the provision of primary and secondary education. This would be acceptable if refugee camps were the temporary phenomena of Fridtjof Nansen's time. It was assumed in the early days of the League of Nations that such refugees were temporary and their status of short-term duration. Two-thirds of all refugees now live in protracted refugee situations (PRS), defined by UNHCR as "25,000 persons or more who have been in exile for five or more years in developing countries."[17] Such situations "involve large refugee populations that are long-standing, chronic or recurring, and for which there are no immediate prospects for a solution,"[18] a description that perfectly fits the plight of Burmese refugees in Thailand.

The Thai prevarication flows from historical enmities between the Thais and the Burmese and the desire to avoid more so-called "pull" factors for the Burmese such as tertiary educational provision.[19] Thailand is not a signatory to the 1951 Refugee Convention and, since the first camp was set up in 1984, has only gradually allowed UNHCR full access, and only since 2005 has permitted resettlement to third countries to take place. In that time, geopolitical relations between the Thai and Burmese governments have also altered. Thailand has become dependent on Burma's vast supplies of natural gas to the extent that approximately 45 per cent of Burma's formal export earnings in 2008 came from Thai gas sales.[20] A period of "constructive engagement" between the two governments has been ushered in, especially since Burma became a member of the Association of Southeast Asian Nations (ASEAN) in 1997.

The Australian Catholic University (ACU) was the first tertiary institution to offer accredited university education to camp-based refugees on the Thai-Burma border and it continues to do so to this day, albeit in a different form from the past.

ACU Refugee Program on the Thai-Burma Border: Genesis

Fr. Michael Smith, SJ, former Rector of the Jesuit Theological College in Melbourne, spent some time in refugee camps in the 1980s and in 2000 under the aegis of Jesuit Refugee Service (JRS).[21] He witnessed the valiant efforts to educate the children up to secondary level and listened to the frustration of those who were barred from going further. When Fr. Smith returned to Australia, he thought that the difference between dreaming about tertiary education for refugees in the 1980s compared to 2000 was the ubiquitousness of the Internet, making online education a possibility. He formed the Refugee Tertiary Education Committee (RTEC) which included some lecturers from ACU to push this agenda. Eventually, in 2002, through RTEC's advocacy, ACU's Diploma of Business Administration which had been taught successfully online for Aboriginal and Torres Strait Islander students was introduced to the Thai-Burma border. Potential students were interviewed and twenty-one accepted. Students in the pilot program could access ACU's virtual learning environment, WebCT, and took eight business units (courses). Seventeen of the original twenty-one graduated with the Diploma in 2006. An online Certificate in Theology was then offered to students and five graduated in 2009. In early 2008, based on my experience as a former Secretary General of Caritas Internationalis, with a background in humanitarian and development work and as a visiting professor to ACU in 2007, I was appointed coordinator of the program.

ACU Refugee Program on the Thai-Burma Border: A Development Model

The ACU/RTEC pilot scheme commissioned an evaluation report carried out by Mae Sot–based social anthropologist, Simon Purnell. His methodology comprised focus group discussion to develop an understanding of the course from the students' perspective, a questionnaire using questions provided by ACU, and a further focus group discussion centring on the questions in the questionnaire to develop information from the points raised in the previous two sessions. The report was issued in 2006 and showed that the graduates appreciated three central points in relation to the Diploma in Business—personal self-improvement, provision of skills that would be useful to serve their communities, and the fact that the course was internationally accredited.[22] The report contained recommendations which were subsequently implemented by the new coordinator. In addition, the coordinator approached the program not just from an educational perspective but also from some basic principles of good development practice, using both secular and Catholic perspectives.

Development, in the words of Amartya Sen, the 1998 Nobel Prize winner in economics, is defined as "a process of expanding the real freedoms that people enjoy."[23] This widens development out of the economic growth model so beloved of government aid departments to encompass social and economic arrangements as well as political and civil rights upon which our freedoms depend. That means removing "unfreedoms" such as poverty or a lack of health

care or education, one of the constituent components of development. Sen concludes,

> With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs. There is indeed a strong rationale for recognising the positive role of free and sustainable agency—and even of constructive impatience.[24]

For ACU, as a public university whose philosophy is based on the Catholic intellectual and social tradition, it was important to run a community engagement program which would, in the words of Pope John Paul II's letter on Catholic universities, *Ex Corde Ecclesiae,*

> be capable of searching for ways to make a university education accessible to all those who are able to benefit from it, especially the poor or members of community groups who have customarily been deprived of it.[25]

The program fits perfectly into ACU's mission to be "guided by a fundamental concern for justice and equity and for the dignity of all human beings."[26] The Catholic approach to development—integral human development—insists*, inter alia,* on the poorest having priority and on the participation of the poor themselves in their own development so that they become subjects, not the objects of someone else's idea of how they should be developed. The dignity of the human person has to be promoted at all times and the principle of solidarity demands a commitment to the common good. Pope Benedict XVI describes the common good in the following terms,

> [I]t is the good of 'all of us', made up of individuals, families and intermediate groups who together constitute society. It is a good that is sought not for its own sake but for the people who belong to the social community and who can only really and effectively pursue their good within it. To desire the common good and strive towards it is a requirement of justice and charity.[27]

A "commitment to serving the common good" is a desired attribute of all ACU graduates.[28]

Such an approach is a far cry from approaches which result in the experience of a lack of agency that refugees have over their own lives and where dependency becomes the norm in camps.

The combination of following Purnell's recommendations and siting the program firmly within a developmental perspective influenced by Catholic Social Teaching principles has issued in many changes.[29]

Infrastructural and Staff Changes

The critique in Purnell's evaluation that managerial support, communication with ACU, a resident tutor, and the provision of a safe and stable learning and residential environment were lacking were all addressed. In early 2008, the coordinator undertook, with the local Karen coordinator, to find appropriate accommodation and a study centre in a safe location outside the camp so that Internet could be provided, since it was not permitted by the Thai authorities within the camps. For the first Diploma in Liberal Studies course, a resident volunteer tutor for academic English, motivation, and liaison with online lecturers was appointed in May 2009 in collaboration with the Sydney-based volunteer-sending agency, PALMS. For the second Diploma in Liberal Studies course, a second house was rented so that the sexes could be separated, given the increase in numbers of students. A library is being built up and currently has one thousand titles. There is an adequate number of up-to-date computers; USBs have been provided; the Internet connection has been vastly improved since the early days so that videos can be downloaded.

Diploma in Liberal Studies

From 2008, following consultations with refugee leaders, NGOs, CBOs, and former students, a wide-ranging Diploma in Liberal Studies was crafted with the aid of four US Jesuit universities which could offer many more online units than could ACU. One of the Jesuit universities has since withdrawn and York University, Toronto, Canada is now participating. The Diploma offered units which adhered to what the refugee community itself regarded as useful. Lecturers progressively changed the content of their units to be of more relevance to the Burmese or refugee context.

The Diploma is taught in mixed mode—online (particularly by the North American universities), face-to-face teaching (by ACU), and specialist tutors who visit to assist students learning new areas of knowledge through an online lecturer. This helps to humanize the program and brings that necessary component of human contact to people who, in many cases, have suffered severe trauma.

Students

ACU elicited the assistance of some CBOs in identifying potential students who had the commitment to remain on the border. In addition, only students who had been through post-10 secondary education,[30] had passed a written and oral English test, and had not applied for resettlement at time of application for the course were accepted. In the latest Diploma in Liberal Studies course, the Memorandum of Understanding between ACU and the students asks them to devote at least two years of their time after graduating to

the refugee or migrant community. This is not enforceable but presents students with a moral commitment.

Whereas all students in the past belonged to the majority ethnic group, the Karen, a deliberate attempt was made to include students of as many ethnic groups as possible. In the current Diploma program, there are eight Burmese ethnicities represented. There was also an attempt to maintain gender equality and, in the current program, there are twenty males and nineteen females following the course.

Since 2009, each Diploma course has begun with an orientation session lasting at least a week on topics such as introducing the participating universities, dealing with expectations of the students as well as the universities' expectation of them, critical thinking, peace-building exercises, and guides to study.

A main task of the resident tutor since 2009 has been to improve on a constant basis students' academic English. To assist this, in 2010, the first unit of the Diploma in Liberal Studies was English Communication Skills, which covered academic English and academic practices such as proper referencing. This will continue in any future course.

Several initiatives have combined to improve feedback to the students of progress (or otherwise) in their work. The overall coordinator, in addition to working on the program on a daily basis, makes two to three trips a year to the study site. The resident tutor is on hand to guide the students on a day-to-day basis and there is a local Burmese coordinator who looks after the students' well-being and security, liaison with the local authorities, and logistical matters. There is increased awareness by the online lecturers of the context in which they work and they use an e-learning system, Blackboard, as well as social networks such as Facebook, to maintain contact with the students. In 2011, ACU's Faculty of Arts and Sciences sent its e-learning manager to coach students in accessing the e-library and to introduce Moodle, as this will be used as the online learning environment by participating universities in future.

One item in the Purnell evaluation which is still work-in-progress is assisting the students to find jobs or degree opportunities. Some advances have been made in terms of facilitating access to degree programs and scholarships. One of the graduates of 2010 was successful in securing a place on the Open Universities Australia (OUA) program on the Thai-Burma border, another managed to secure a place in the University of the Sunshine Coast in Queensland, Australia, two have been accepted by ACU, and others are applying to Chiang Mai University and the University of Hong Kong. In addition, discussions have been held with one Thai university about accepting ACU refugee graduates.

ACU Refugee Program on the Thai-Burma Border: Diploma in Liberal Studies 2008–2011

Following the implementation of the changes delineated above, a Diploma in Liberal Studies with eight units was devised that sought to be more relevant to refugees whether they stayed on the border, were integrated into the host country, repatriated, or resettled in a third country. The first Diploma in Liberal Studies, begun in December 2008, comprised four units from ACU (Business Information Technology, Business Communication Skills, Introduction to International Human Rights Law and Practice, and Managing Organisations, the last two taught in face-to-face mode); and one each, all taught online with some tutorial help, from four US Jesuit universities (Leadership Theory, Gonzaga University, Spokane; An Introduction to Anthropology, Saint Louis University; Third World Politics, Fairfield University, Connecticut; and General Psychology, Regis University, Denver). In August 2010, seventeen students graduated in Mae Sot with the dean of the Faculty of Arts and Sciences, Gail Crossley, presiding.

In October 2010, a new Diploma in Liberal Studies was begun with thirty-nine students—thirty in the Mae Sot area and nine in Ranong—with the support of the Marist Fathers. For the first time, Burmese migrants were included as well as refugees. The first unit taught face-to-face by ACU was changed to English Communication Skills in order to familiarize students with academic English and the conventions of academic writing with an emphasis on such matters as proper referencing and avoiding plagiarism. Saint Louis University withdrew from the program and York University in Toronto joined, offering The End of the Earth as We Know it: Global Environmental Change. Fairfield University will offer a course on People, Places and Global Issues. Otherwise, the program remains the same.

Research Findings

A piece of research undertaken by ACU in 2009 looked at the experience of students who had graduated in business and/or theology to ascertain how their studies had benefited the refugee community if they had remained on the border or the community in diaspora if they had been resettled to a third country. ACU was keen to discover whether the program was producing graduates who, in the words of its graduate attributes, recognized "their responsibility to the common good."[31]

The methodology used had to be carefully selected as researching a vulnerable group such as refugees brings its own moral dilemmas.[32] The refugees on the Thai-Burma border have often been the subjects of research but they have not necessarily seen their lives improved. This has created a mistrust of researchers and so the "hanging out"

methodology was used in this study. This is the term given by Graeme Rodgers, formerly of the Refugee Studies Centre at Oxford University, to "modest and small-scale qualitative approaches, generated largely through intensive informal and interpersonal interactions between researchers and forced migrants."[33] Pursuing this methodology, a researcher with an in-depth knowledge of the area, culture, language, and most of the students was employed to undertake the interviews, using a flexible questionnaire as a discussion starter.

Since students had been dispersed, only thirteen of the eighteen graduates were able to be contacted. Three had been resettled in either the United States or Australia. All three had managed, on the basis of their ACU qualification, to enter a university to study for a degree with a scholarship. In 2010, one former refugee business student graduated with a Bachelor of Commerce from ACU Melbourne.

For the majority who remained on the border, most worked for CBOs, contributing in myriad ways to the common good. Jobs included managing an orphanage in a refugee camp, providing training for young people in leadership and management, running boarding houses in the camps for unaccompanied minors (part of the educational displacement contingent), working within Burma to document human rights abuses, translating for a resettlement agency, and being employed as a caseworker with an international NGO (INGO). Payment for working in CBOs is more an honorarium than a wage owing to their lack of funding, and so these students who could have opted for resettlement lived up to the ACU graduate attributes—which stress working for the common good, especially the poor—in spectacular fashion. They also reduced the fears of the refugee leaders that higher education would lead to a hemorrhage of these young people from the camps to the countries of the Global North as their qualifications would hasten their being resettled to the US, Australia, Canada, and elsewhere.

The effect on the students themselves was to give them confidence and make them think critically. One interviewee who worked for an INGO said, "Even though I am not clever, I understand what they [the donors] are talking about and I can stand up and share my opinion now."[34] Although many foreign NGO and UNHCR workers are empathetic to the refugee community, their work does tend to disempower those they are meant to serve. Some are less empathetic and belong to "a select club in which the rules are set by a rather peculiar set of players who are generally far removed from the realities of the people they purport to help."[35] The ACU qualification enabled the graduates to increase their self-confidence, resulting in greater autonomy for the refugees.

Since the course was in academic English and used the Internet, all students came out of the process having improved their English speaking and writing skills immeasurably and with an advanced knowledge of e-learning. One student said she would never have been able to keep up with her bachelor's degree program at an American university without the Internet skills and English taught during the Diploma.[36]

In addition, the course not only broadened the students' horizons but made them think critically about an armed struggle they had been taught to accept as a matter of course. A Burmese teacher said that, in the past, post-secondary school students would happily "carry the gun and go directly to the front line and become an officer there—that's the only thing we can do."[37] The course, which included peace-building exercises, made the graduates question established and largely utopian ideas of the political future and they began to promote political negotiation rather than war as a possible solution. One student commented, "when democracy comes to Burma, we will be prepared."[38]

ACU Refugee Program: Ramifications and Prospects

The program was awarded Best Collaborative International Project at the prestigious Australian Business Higher Education Round Table Awards (B-Hert) in 2008 and gained the ACU Vice-Chancellor's Award for Outstanding Community Engagement in 2010. More importantly, it is a program that has fired the imagination of other universities which are now considering tertiary education for refugees. Perhaps one of the most advanced is the initiative Jesuit Commons: Higher Education at the Margins (JC-HEM), which seeks to link Jesuit Refugee Service (JRS) and Jesuit universities worldwide in an effort to provide tertiary education to refugees in three pilot schemes in camps in Malawi, Kenya, and Syria. The JC-HEM International Director was involved in and influenced by the ACU program on the Thai-Burma border. The program began in 2011.

There are certain elements of the ACU program which could be replicated in similar programs in other refugee situations. They include looking at the situation through not just an educational lens but a developmental one, the necessity of providing the right infrastructure, the importance of participation by the refugee community in the choice of units, and the employment of a local coordinator for security and logistics as well as a tutor for academic English and liaison with online lecturers. A *sine qua non* is an ongoing financial commitment by participating universities to the refugee community as an ethical imperative. However, the Thai-Burma situation also has unique factors. Apart from the fact that Thailand is not a signatory to the 1951 Refugee

Convention, there are many risks associated with the political turmoil in Thailand itself, the relationship between Thailand and the junta in Burma, and the fighting in the border region of Burma which has implications for the other side of the Moei River in Thailand. In January 2011, nearly 10,000 civilians displaced by the fighting in Karen State were hiding on the Thai side of the border and being assisted by local communities and NGOs. They had not gone to official camps as they had already been sent back to Burma several times by the Thai authorities following previous displacement by conflict.[39] This could be a precursor of things to come.

The program has been successful because ACU and its partners, both other universities and local partners and staff, have been committed to it in terms of finance, staff, and determination. The future will require institutional funding as well as new ideas to combat obstacles put in the program's way. Perhaps its most profound value lies in illustrating that tertiary education, which in the past has been regarded by UNHCR and NGOs as a luxury for refugees in temporary situations, is now recognized in fact as a right for those caught particularly in protracted situations and that it can have wide ramifications for individual refugees, the refugee community, and the general common good.

In the words of Tomás Ojea Quintana, the UN's special rapporteur on human rights in Myanmar, "Education is both a human right in itself and an indispensable means of realising other human rights."[40] In the camps, tertiary education will not only supply intellectual capital which has largely been lost in the resettlement process, as well as providing the community which remains with teachers, social workers, and above all community leaders, but it will be an enabling right which could lead to real improvements for the refugee community in relation to the Royal Thai government, UNHCR, and NGOs. Tertiary education will restore to refugees more agency over their own lives. In a limited but important way, ACU's tertiary education program contributes not only to education and human rights, but to the dignity of an entire marginalized community.

Appendix

Abbreviations used in the text
ACU *Australian Catholic University*
ASEAN *Association of Southeast Asian Nations*
BPHWT *Back Packer Health Worker Team*
CBO *Community-based organisation*
DKBA *Democratic Karen Buddhist Army*
IDP *Internally Displaced Person*
INGO *International Non-governmental Organisation*
JC-HEM *Jesuit Commons: Higher Education at the Margins*
JRS *Jesuit Refugee Service*

KED *Karen Education Department*
KRC-EE *Karen Refugee Committee—Education Entity*
LMTC *Learning and Management Training College*
NGO *Non-governmental organisation*
OUA *Open Universities Australia*
RTEC *Refugee Tertiary Education Committee*
UNDP *United Nations Development Program*
UNHCR *Office of the High Commissioner for Refugees*
WebCT *Web Course Tools or the Blackboard Learning System*

Notes

1. I use "Burma" in preference to "Myanmar," the name imposed on the country by the ruling junta in 1989. "Myanmar" is taken from the literary form of Burmese while "Burma" is derived from the spoken, more demotic form. This is in line with the generals' view that they are the successors of the warrior kings of old Myanmar. By using "Burma," I follow the convention used by Australia and Canada, "realists" as opposed to "nominalists" in the political game surrounding the name of the country after the 1988 coup. See Lowell Dittmer, "Burma vs. Myanmar: What's in a Name," *Asian Survey* 48, no. 6 (November/December 2008): 885–88.
2. For information on the Karen, see Phil Thornton, *Restless Souls: Rebels, Refugees, Medics and Misfits on the Thai-Burma Border* (Bangkok: Asia Books, 2006).
3. Gil Loescher, James Milner, Edward Newman, and Gary Troeller, eds., *Protracted Refugee Situations: Political, Human Rights and Security Implications* (Tokyo: United Nations University Press, 2008), 304–05.
4. Ashley South, "Burma: The Changing Nature of Displacement Crises" (Working Paper No. 39, Refugee Studies Centre, University of Oxford, 2007).
5. It is ranked 176th along with Afghanistan. At the bottom, at 178th, is the failed state of Somalia. See Transparency International, Corruption Perceptions Index 2010, accessed 20 January 2011, http//www.transparency.org/policy_research/surveys_indices/cpi.
6. David I. Steinberg, *Burma/Myanmar: What Everyone Needs to Know* (Oxford: Oxford University Press, 2010), 97.
7. UNDP Human Development Index, accessed 20 January 2011, http://hdr.undp.org/en/.
8. Thant Myint-U, *The River of Lost Footsteps: A Personal History of Burma* (New York: Faber and Faber, 2007), 340.
9. United Nations Human Rights Council (7th March 2011), Progress Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, UN General Assembly GE, 11–11577, 12.
10. Ibid., 13.
11. "Burma's Public Education Crisis," *The Irrawaddy*, 17 March 2011, accessed 11 June 2011, http://www.irrawaddy.org.print_article.php/art_id=20954; also Steinberg, Burma/Myanmar: What Everyone Needs to Know, 68.

12. Private conversations with students of various ethnic backgrounds, Mae Sot, 2008–10.

13. "Burma's Public Education Crisis."

14. Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, xxviv.

15. Simon Purnell with Aranya Kengkunchorn, "Taking Learning Further: A Research Paper on Refugee Access to Higher Education (Mae Sot: ZOA Refugee Care, 2008), 16–17.

16. Niamh de Loughry, "Tertiary Education for Refugees in Pursuit of the Common Good: the Thai-Burma Border Experience" (unpublished report for ACU, 2009), 6.

17. Gil Loescher and James Milner, "Understanding the Problem of PRS," in *Protracted Refugee Situations*, ed. Loescher, Milner, Newman, and Troeller, 21.

18. Ibid., 23.

19. For example, in 1767, the Burmese sacked the ancient capital of Siam, Ayutthaya.

20. Sean Turnell, "Burma's Poverty of Riches: Natural Gas and the Voracious State," in *Burma or Myanmar: The Struggle for National Identity*, ed. Lowell Dittmer (Hackensack, NJ: World Scientific Books 2010), 209.

21. See Susan Costello, Marie Joyce, Michael Smith, Duncan MacLaren, and Thein Naing, "Bringing Higher Education to Displaced Burmese Minorities in International Advances in Education: Global Initiatives for Equity and Social Justice," in *Ethnicity and Race*, vol. 2, ed. Elinor L. Brown, Ekaterina V. Dvoretskaya, and Pamela Gibbons (Charlotte, NC: Information Age Publishing, forthcoming in late 2011).

22. Simon Purnell, "ACU/RTEC Evaluation Report" (January 2006; unpublished).

23. Amartya Sen, *Development as Freedom*, (Oxford: Oxford University Press, 1999), 3ff.

24. Ibid., 11.

25. Pope John Paul II, *Ex Corde Ecclesiae* (Libreria Editrice Vaticana 1990) ,par 34.

26. ACU Handbook 2011, 3.

27. Pope Benedict XVI, *Caritas in Veritate* [Charity in Truth] (Vatican City: Editrice Vaticana, 2009), par. 7.

28. ACU Handbook 2011, 3.

29. See Duncan MacLaren, Jamie Davies, Br. Laurie Needham, and Anthony Steel, *Principles of Engagement on International Development Through the Lens of Catholic Social Teaching* (Sydney: ACU, Caritas Australia and Catholic Religious Australia, 2010).

30. Post-10 schools provide extra training after secondary education is completed. They provide a range of subjects including social studies, Thai, leadership training, and Burmese but all of them teach in English. See Purnell with Kengkunchorn, "Taking Learning Further," 17.

31. ACU, Graduate Attributes, 2009, http://www.acu.edu.au/student_resources/study_resources/graduate_attributes/.

32. Catriona MacKenzie, Christopher McDowell, and Eileen Pittaway, "Beyond 'Do No Harm': The Challenge of Constructing Ethical Relationships in Refugee Research," *Journal of Refugee Studies* 20, no. 2 (June 2007): 299–319.

33. Graeme Rodgers, "'Hanging Out' with Forced Migrants: Methodological and Ethical Challenges," *Forced Migration Review* 21 (September 2004): 48–49.

34. Niamh de Loughry, unpublished interview notes, 2009. For a fuller presentation on this aspect, see Duncan MacLaren, "Tertiary Education in Pursuit of the Common Good: The Thai-Burma Border Experience," in *Learning, Teaching and Social Justice in Higher Education*, Noah Riseman, Sue Rechter, and Ellen Warne, eds. (Melbourne: University of Melbourne eScholarship Research Centre, 2010), 111–23.

35. Antonio Donini, *Looking Ahead: Making our Principles Work in the Real World* (Boston: Tufts University, Feinstein International Center, 2007), 2.

36. Niamh de Loughry, unpublished interview notes.

37. Ibid.

38. Ibid.

39. Situation update email from the Back Packer Health Worker Team (BPHWT), received 21 January 2011.

40. United Nations Human Rights Council (7th March 2011) Progress Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, UN General Assembly GE. 11–11577. 12.

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"Education Changes the World": The World University Service of Canada's Student Refugee Program

Glen Peterson

Abstract

This paper reflects on the origins and development of the Student Refugee Program of the World University Service of Canada (WUSC) and its significance as a "transformational" force in the lives of individuals and communities. The WUSC Student Refugee Program is a unique effort involving students, faculty and staff at universities and colleges across Canada who work together to mobilize material and human resources in order to enable student refugees to resettle and complete their post-secondary studies in Canada. The author, who has worked closely with the Student Refugee Program at the University of British Columbia since the mid-1990s, first describes the operation of the Student Refugee Program, and then considers its significance in relation to issues of resettlement, gender equality, "brain drain" and transnationalism.

Résumé

Cet article porte sur les origines et l'établissement du Programme d'étudiants réfugiés de l'organisme Entraide universitaire mondiale du Canada ainsi que sa place en tant que force « transformationnelle » dans la vie d'individus et de communautés. Le Programme d'étudiants réfugiés d'EUMC est une initiative unique faisant appel à la participation d'étudiants, de professeurs et de membres du personnel d'universités et de collèges de partout au Canada. Ensemble, ils travaillent à ramasser du matériel et des ressources humaines afin de permettre à des étudiants réfugiés de se réinstaller et de terminer leurs études postsecondaires au Canada. L'auteur, qui a travaillé étroitement avec le Programme d'étudiants réfugiés à l'Université de Colombie-Britannique depuis les années 1990, décrit le fonctionnement du Programme, pour ensuite examiner son apport dans les questions de la réinstallation,
de l'égalité des sexes, de l'exode des cerveaux et de la transnationalisation.

The purpose of this paper is to reflect upon the significance of a unique educational program involving Canadian universities and student refugees whose lives have been disrupted by war and political upheaval.[1] For more than three decades, World University Service of Canada's Student Refugee Program (SRP) has enabled student refugees from countries around the world to complete their post-secondary studies and build new lives in Canada. It is currently the only program of its kind in the world, combining resettlement with education.

The SRP is also a program that facilitates transformative learning, not just for the refugee students themselves, whose lives are changed in very direct and tangible ways by their participation in the program, but often also for the Canadian students, faculty and staff who are involved in the program. By "transformative" I mean learning processes that involve an expansion of consciousness and/or an altering of perspective. As described by Mezirow, Boyd and Myers, and others, transformative learning theory suggests the processes and ways in which adult learners construct meaning in their lives.[2] Unlike learning that involves the acquisition of skills or the application of established frames of reference, transformative learning is learning that involves a change in one's world view and/or understanding of the self. Transformative learning occurs infrequently and often in response to a major life change or crisis, but can also be cultivated by teachers and structured learning environments. I suggest that the informal learning environment of the Student Refugee Program, in which student refugees and Canadian students, staff and faculty come together for a common purpose—to facilitate the academic and personal success of the student refugees—is conducive to transformative learning. The WUSC students themselves are

undergoing a major life change when they come to Canada, which may augment the conditions for transformative learning. Indeed, the universities and learning communities that have embraced the Student Refugee Program see it as an example of the power of education to effect positive change. One of the mottos of the World University Service of Canada or "WUSC" as it is more commonly known is "Education Changes the World." It is a motto founded on the belief that education is a key to both individual and collective empowerment, and that education involves not only the transmission of knowledge and the acquisition of skills but an awareness of the self and a capacity and will to effect change.

It should be made clear at the outset that this paper is not the outcome of a structured research project. The data used in this paper were not systematically gathered, nor is the paper an attempt to test a set of predetermined research hypotheses. Rather, this paper is based largely on the personal experiences and reflections of someone who has worked closely with the WUSC Student Refugee Program and its participants for nearly two decades at one Canadian university campus. It is the hope of the author that the reflections offered here may help to illuminate some—though certainly not all—of the experiential aspects of the Student Refugee Program. If the paper subscribes to any one subject position, it is one of advocacy for a program that deserves more attention than it has so far received. The paper begins with a brief overview of the origins of the World University Service of Canada in an earlier era of student activism in Europe. I then describe the workings of the contemporary Student Refugee Program and the long journey that students make from refugee camp to Canadian campus. This part of the paper builds heavily on my own experience as Faculty Advisor to the local WUSC committee at the University of British Columbia, a position that I have held since 1994. In the remaining sections of the paper, I adopt a more academic perspective and ask what the Student Refugee Program can tell us about some of the key issues surrounding the role of education in human and international development, including the "brain drain" phenomenon; the relationship between refugee resettlement and the construction of a transnational or diasporic consciousness. In the conclusion, I return to the question of transformative learning and offer some examples, gleaned through personal observation and experience, of ways in which the Student Refugee Program provided a transformative learning experience for participants.

The World University Service

Refugee assistance has been central to the World University Service since the organization's inception. The roots of WUS stretch back to August 1920 when a body known as the World's Student Christian Federation launched European Student Relief, a student-led organization for assisting students whose lives and studies had been disrupted by the First World War. From its headquarters in Geneva, the Student Christian Federation appealed to students around the world for contributions.[3] Soon European Student Relief expanded its role beyond Europe and victims of war, organizing an emergency feeding operation for more than 30,000 famine-stricken students in Moscow and contributing funds to rebuild libraries in Tokyo that had been destroyed during the great Kanto Earthquake.[4] In May 1925 European Student Relief changed its name to International Student Services (ISS) and it remained active throughout the 1930s, organizing conferences, seminars and study tours, and providing assistance to Jewish students and other refugees fleeing persecution in Nazi Germany, Austria and Czechoslovakia. The first Canadian committee of ISS was formed in 1939 by a group of students and professors at the University of Toronto.[5] The first UBC ISS committee was established in 1948. In 1950 ISS renamed itself World University Service. The name change reflected the fact that the focus of international relief and refugee assistance was beginning to shift from Europe to Asia and the Middle East. WUS also shed its former Christian affiliation and declared itself a secular organization. But the humanitarian commitment and much of the earlier focus on student relief and refugee assistance remained. In the ensuing decades, national WUS chapters were established in many countries around the world, including Canada (1957). At the same time, local WUSC (for "World University Service of Canada") committees, composed of students, staff and faculty, began to spring up on university and college campuses across the country. By the 1970s, WUSC had become firmly focused on the problems of the developing world.

WUSC and Students

WUSC's engagement with Canadian university students takes place on two levels. One involves the effort to provide Canadian students with direct exposure to the peoples and problems of the developing world by sending students overseas on study seminars and as volunteers. The annual International Seminar has taken place every year since 1948; its alumni include some of the most influential figures in Canadian public life over the previous half century, including the late Pierre Elliot Trudeau (Ghana 1957), former OECD Secretary General Donald Johnston, former Governor of the Bank of Canada David Dodge and current Chief Justice of the Supreme Court of Canada, the Honourable Beverly McLachlin.[6] WUSC's other main form of engagement with Canadian university students is through

its flagship Student Refugee Program. Established in 1978, the Student Refugee Program was both an outgrowth of the earlier efforts described above and a response to a significant change in Canadian immigration policy. In 1976 the Canadian Immigration Act was changed to recognize refugees as a separate category distinct from other immigrants. In the late 1970s, hundreds of thousands of refugees fled Vietnam by sea in vessels ranging from wooden rafts to ocean freighters.[7] The "boat people" crisis captured Canada's and the world's attention, dramatizing the plight of refugees in a way never before seen. Canadian voluntary organizations as well as individuals and families pressed the Canadian government to open its doors to the boat people. In response to these demands, the government formally introduced the Private Sponsorship of Refugees Program (PSRP) in 1979. Under this program, individuals, organizations and private citizen groups can apply to the federal government to sponsor refugees to resettle in Canada by undertaking a legal commitment to provide their full resettlement needs for a minimum of twelve months after their arrival in Canada.[8] Since its establishment, the PSRP has enabled more than 200,000 refugees who would otherwise not have been able to come to Canada to resettle in this country.[9] Today there are a total of eighty-nine incorporated organizations (known as Sponsorship Agreement Holders) that are regularly involved in the private sponsorship of refugees to Canada. WUSC is the only non-faith-based organization among them, and the SRP is the only one that combines refugee resettlement with post-secondary education.

From Camp to Campus

The journey from refugee camp to Canadian university campus is a long and arduous one. It takes a minimum of eighteen months from the time a student is selected until the day they land in Canada, but there are any number of hurdles along the way that can delay or even scotch entirely a selected student's chances of finally making it to Canada, including the detailed medical and security checks that are required by Citizenship and Immigration Canada. In addition, because there are so few ways to escape the life of the refugee camp, many young people have grown up with the dream of winning a WUSC scholarship, so that preparation often begins years before a student is actually selected—or not—to participate in the program.[10] Yet the limited resources of the program dictate that the number of spaces available in any given year is tiny in relation to the overwhelming need; competition is intense, and only a very small percentage of those who apply to the program end up being chosen.

In Kenya, the country of asylum from where a large proportion of the sponsored students are selected, preparation often begins when a student enters primary school in one of the two sprawling UNHCR refugee camps located near Dadaab and Kakuma in the remote northeastern and northwestern regions of the country, respectively. In recent years, many of the students who have come to Canada have spent most of their lives and received all of their primary and secondary schooling in the camps. Education in the Kakuma camp (population around 90,000) and in Dadaab (in reality three camps with a combined population of over 400,000) is managed by a combination of local and international voluntary agencies and, in some instances, by the refugees themselves.[11] However, access to education in the camps is limited, especially at the secondary level, and facilities are severely lacking.[12] Even so, parents often encourage their children from a young age to study hard in the hope of being chosen for the Student Refugee Program.

Students apply to the program in their final year of secondary school. There are also persons in the camp who have already completed high school and, in some cases, have even attended university in their home countries or in the country of asylum. Such persons are also eligible to apply for the program, so long as they meet the program's maximum age limit of twenty-four years. Each year around sixty students are selected, which often translates into around a dozen students each from the Kakuma and Dadaab camps, with the remainder recruited from other countries in Africa and elsewhere (such as Burmese refugees in Thailand). Students selected for the program undertake a year-long program of intensive ESL training and academic preparation, which is carried out by WUSC's local partner organizations in the camps. During this time students also sit for their TOEFL examinations and begin the immigration screening process, while anxiously awaiting the news of which university or college they will be attending.

Within Canada, the Student Refugee Program is a joint undertaking of the WUSC national office and the local student-based WUSC committees located at universities and colleges across the country. A small team of staff at WUSC Ottawa is responsible for organizing the application and selection process, including in-camp interviews, in conjunction with WUSC's local NGO partners on the ground. The latter includes organizations such as the Windle Charitable Trust in Kenya and the Jesuit Refugee Service in Malawi and Thailand. WUSC Ottawa works together with local WUSC committees to place the students at universities and colleges in Canada. There are currently fifty-five university and college campuses participating in the Student Refugee Program. Local WUSC committees undertake a legal commitment to provide for a student's full living expenses as well as his or her personal and emotional support for a

period of at least twelve months following the student's arrival in Canada. Most local committees strive to extend this support in various degrees beyond the first year, but the availability of funds is a formidable constraint for many local committees. Local WUSC committees on campus raise funds for the Student Refugee Program by a variety of ways and means. They include, for example, annual student levies, whereby students vote by referendum to allocate a certain portion of their student fees to support the Student Refugee Program. Amounts typically range from fifty cents to several dollars per student. This is the preferred source for most committees as it ensures stable and recurrent funding. Other sources of funding include tuition and residence waivers, faculty association contributions, donations from local businesses, and annual fund-raising campaigns.

The goal of every local committee is to secure stable, recurrent funding that is sustainable over the longer term. In many cases, this has proven possible. However, because each local committee is responsible for raising its own funds, there exists a patchwork of different funding arrangements, which vary from institution to institution across the country. This means that there is a great deal of variation in terms of both *sources* and *levels* of funding. Some institutions such as the University of British Columbia (UBC) where the program is long established and has the strong support of the senior levels of the university administration sponsor up to four students each year. Students at UBC also receive full tuition and living allowances as well as a meal card and an eight-month housing waiver during their first year, as well as a tuition waiver and book allowance for the duration of their academic degree program. But at many smaller institutions where the student body is much smaller or where the program is relatively recent, both the number of students sponsored and the level of support that is available to them is often much less, sometimes not extending beyond the mandatory twelve months of living support required under the PSRP. The author's experience is that sponsored students themselves are often acutely aware of these discrepancies and of the different levels of support that exist. Indeed, this has become an ongoing source of tension within the program. Unfortunately, there appears to be little chance of remedying this problem under the current funding model and it is difficult, at least at the present, to envision any workable alternative to this model, whereby each sponsoring institution is responsible for raising its own funds.

As the students in the camps prepare to board the long transcontinental flights that will take them to a new country and the beginning of a new life, an annual ritual takes place every August at airports across Canada, as local WUSC committees gather with brightly coloured banners to welcome the newly arrived students at the moment they step into the airport arrival hall. Warm greetings are exchanged and old friendships are sometimes renewed as current or former sponsored students are often present to welcome the newest arrivals. Initial days are spent setting up bank accounts, acquiring cooking utensils, learning how to take a bus, shop at a supermarket, and all of the other myriad details that one needs to learn in order just to get by on a day-to-day basis in urban Canada. The learning curve is normally incredibly steep. The onset of classes in a few weeks' time brings a new level of excitement. At the same time there is a new set of challenges. Nearly all of the students struggle, especially in their first year. Many experience severe personal as well as academic difficulties. Yet despite personal traumas and, in many cases, significant difficulties adjusting to life in Canada, many of the students who have come to Canada under the Student Refugee Program have gone on to achieve meaningful and fulfilling lives and careers. At UBC, the program's alumni include the current Executive Director of the Vancouver multicultural agency MOSAIC as well as a leading cancer specialist at the BC Cancer Agency. Others have earned master's and PhD degrees in fields such as counselling psychology, physics, education, forestry, law and community planning. Although there are many success stories, there are also some for whom the academic and personal challenges prove insurmountable. In these relatively few instances, the students often end up leaving the university. Some find good jobs, some don't; in cases where it has been possible for them to do so, a few have returned to their home countries. The outcomes have not been universally positive, but they are largely so, and more than enough to justify the continued existence of this remarkable program.

Sponsorship and Resettlement Success

How does sponsorship relate to "success" in resettlement as measured by such factors as employment, health and sense of well-being? The examples cited above point to the role of sponsorship as an important factor in the successful resettlement and social integration of refugees. Several countries besides Canada have embraced sponsorship as a means of refugee resettlement, notably the US, Australia and France, among others. However, the Canadian model differs in several key respects. In the US, sponsorship entails the provision of guidance and support from a voluntary agency for an initial thirty-day period, after which refugees are expected to rely upon established welfare programs; there is no provision or expectation of continuity with respect to personal or organizational association. Australia and France rely heavily on "reception centres" as a means of concentrating resources and personnel in designated locations in order to achieve

administrative efficiencies and cost savings.[13] By contrast, Lanphier describes the Canadian sponsorship model as "the most personnel- and organizational-intensive" among the various resettlement models currently practiced internationally.[14] In order to accommodate private sponsorships, the federal government commits significant additional personnel and resources in order to process sponsorship applications. In addition, sponsoring groups themselves must come up with substantial financial resources and are required to have close and sustained personal contact with the sponsored individual or family over an extended period. The minimum legal commitment of a sponsoring group to the refugee is twelve months after arrival, but in practice sponsoring groups often retain contact for much longer periods. Unique among resettlement schemes, the Canadian sponsorship model "invites public intervention and implementation" in the resettlement process.[15]

There may be a link between the civic engagement that sponsorship enables and, indeed, requires, on the one hand, and "success" in resettlement, on the other. A recent study of the experiences of Southeast Asian refugees in Canada over a ten-year period found that "private sponsorship predicted successful integration" (as measured by employment, language fluency and general health) whereas government sponsorship was "more likely to predict the opposite."[16] Some of the reasons for this may include the close interpersonal bonds that often develop between sponsors and refugees; the opportunities for networking with the wider community that sponsorship sometimes facilitates; and the ability of sponsors to "connect" refugees with important institutions and services (such as the education and health systems, faith-based organizations, employment opportunities, and so on).[17] In the case of the Student Refugee Program, the link between education and resettlement is woven directly into the objectives of the program. Likewise, the personal bonds formed among refugees and local students, faculty and staff are often enduring.

This is not to say that the sponsorship mode in general and the Student Refugee Program in particular are without problems. Criticisms of the sponsorship program include long delays in the processing of sponsorship applications and the high cost in terms of time and resources deployed. In addition, some have identified an "assimilationist orientation" on the part of some sponsoring individuals, in which behavioural expectations are imposed on refugees, while at the same time sponsors often have little or no knowledge of the cultures and societies of the refugees themselves. Another problem that has been identified concerns the ambiguity of the refugee's relationship to his or her sponsor. Are they dependents? partners? cooperants? Are refugees expected to conform or oblige in return for the assistance they receive, for example, by behaving in certain ways or by agreeing to participate in certain social or religious activities with their sponsors?[18] In the author's experience of the Student Refugee Program, all of these issues have surfaced at one time or another. Since there are no easy or fixed answers to these problems, resolving them is usually a matter of ongoing negotiation and mutual accommodation among the various actors involved.

The Gender Gap

When looking at the profile of SRP alumni, it is immediately obvious that there is a significant and ongoing gender gap in the proportion of male and female students. According to the latest SRP impact study, a total of 577 students were sponsored during the period from 1978 to 2000. However, of that number 456 or 79 per cent of the participants were male, compared to only 121 or 21 per cent who were female.[19] The reasons for this imbalance have little to do with the SRP itself. Rather, this is a structural problem that is deeply rooted in the unequal opportunities for education afforded to boys and girls from a very young age. In 2010 the participation rate in primary schools in the Dadaab refugee camps was 61 per cent for males compared to 39 per cent for females. At the secondary level the gap was even wider with 72 per cent of males enrolled compared to only 28 per cent of females.[20] Therefore, closing the gender gap requires tackling the problem at its roots. This involves creating greater opportunities for young girls to enter primary school while at the same time working to change deeply held attitudes and the broad socio-economic structures that continue to value females as labourers and as brides but not as learners. Even when successful measures have been undertaken to raise the participation rates of girls in primary school, female participation often drops off dramatically at the secondary level. This is because this is the age when young girls are expected to assume household responsibilities and even to marry.[21] As a result, the pool of eligible female applicants able to meet the high admission standards of Canadian colleges and universities is normally very small compared to the number of qualified male candidates.

Relaxing the admission requirements for female applicants is not always the best answer to this problem, for students who are admitted below the minimum admission requirements often find themselves at a disadvantage in the classroom, and there is always a risk of setting students up for failure. Having students take remedial classes before entering a regular degree program is another way to address the problem, but for most local committees the scarcity of funds precludes this option. More promising in the long run are a series of initiatives that WUSC has recently undertaken which are aimed at raising the participation rate of

female students in primary and secondary schools in the camps. One strategy involves the use of female role models. In 2007, I accompanied a small group of Canadian students on a WUSC study seminar which involved spending several weeks at the Kakuma and Dadaab refugee camps in Kenya. One of the Canadian students chosen to participate in the seminar was a former sponsored student from Somalia who had just completed her master's of science degree and was preparing to enter a PhD program. One of her assignments during the seminar was to speak widely with the female students attending primary and secondary school, addressing them in their classrooms and speaking informally with the students and their parents about her own experiences and opportunities as a university student in Canada. Another initiative involves the "Shine a Light" campaign, which raises funds for the purchase of solar-powered lights that girls can use to study by during the evening hours, since there is no electricity in people's homes and evenings are often the only time that girls can devote to school work, after they have finished their household chores.[22] There are also plans to raise funds to provide in-camp remedial classes as well as school supplies and even scholarships for female students. The goal of these efforts is to close the gender gap in the Student Refugee Program by 2015, by ensuring that an equal number of female and male applicants are qualified to study in Canada.

A Problem of "Brain Drain"?

If the gender gap is one problem that has been identified with the SRP, another, somewhat opposite criticism one sometimes hears is that the Student Refugee Program contributes wilfully to the "brain drain" phenomenon. According to this view, the SRP skims off the best and brightest of refugee youth for education and resettlement overseas, thereby depriving Africa of much-needed human talent. Canada is the winner; African countries are the losers. It should be pointed out that the very notion of a "brain drain" is premised upon a nation-based conception of economic and social benefit which does not take into account the advantages that accrue to the migrating individual.[23] However, even if we accept the welfare of the nation-state as the main criterion for evaluating the human capital impacts of migration, the brain drain charge is valid only insofar as it can be shown that students who come to Canada under the SRP lose all ties to their home countries. This is certainly true in some cases, and perhaps was especially so during the early years of the program, when the opportunities for physical return or even for maintaining regular and sustained contact with one's native land were few. However, recent research suggests that increased opportunities for mobility in recent decades, as well as the digital transformation of communications

technology, have altered migration patterns and migrant behaviour. Instead of a "brain drain," what we are sometimes witnessing now is a phenomenon of "brain circulation." Studies have shown that highly skilled expatriates often form transnational networks that link them to their countries of origin, resulting in a net "brain gain" for those countries. Foreign-educated engineers from countries like China and India are transforming the development process through the professional and business connections that they build to their home countries, attracted by economic opportunities and the chance to make an impact.[24]

These findings appear to be borne out by the career choices of some recent graduates of the SRP at UBC. Of course, there is one crucial difference affecting the mobility options of refugees compared to other migrants: the ability to return and live safely in one's country. For refugees, return is often simply not possible. However, in some previously war-torn countries such as Sudan, where a peace agreement and a successful referendum for the independence of South Sudan have recently taken place, a new trend seems to be emerging. Several recent SRP graduates from UBC have returned to the new Republic of South Sudan, where they have found prestigious and well-paying jobs with organizations such as the UNDP and the government of southern Sudan. In these cases, it is precisely their overseas educations that have empowered these individuals to return to the Sudan in order to take up responsible positions and contribute to the development of their home region.

Finally, there is also the fact that, for many refugees, especially those in Africa, the only possibilities for the foreseeable future are either third-country resettlement—however slim the chances may be—or languishing permanently in UNHCR-supported refugee camps. Recent studies have pointed out that an increasing number of refugee situations in Africa and elsewhere (such as Burmese student refugees who have been in Thailand since 1988 and Palestinian refugees in Lebanon, Jordan and elsewhere since 1948) belong to what the UNHCR terms "protracted" refugee crises.[25] Refugees caught in these situations are stranded by long-term, ongoing civil conflicts for which there appears no end in sight.[26] This has given rise to the phenomenon, readily observable in some parts of Africa today, of what some scholars have described as the long-term "warehousing" of refugees in remotely located camps that were originally set up to provide temporary asylum but which have become, in effect, permanent human settlements. They are the size of cities, but have no economic base and are sustained exclusively by international donations channelled through the UNHCR. When individuals are faced with such dismal prospects, the charge that resettlement is contributing to a "brain drain" seems somehow to miss the point entirely. In

fact, as we shall see below, for many refugees it is leaving Africa that ironically sometimes produces both the desire and the means to reconnect in tangible and meaningful ways with their roots.

Refugee Resettlement and Transnational Possibilities

Thus far, I have focused on the ways in which the SRP is related to various issues involving resettlement—the relationship between sponsorship and resettlement success, the gender gap, and the question of "brain drain." However, from the perspective of refugees themselves, one of the most salient aspects of being a "refugee" concerns the socially constructed meanings that are attached to the refugee label. In her landmark study of Hutu refugees from Burundi in exile in Tanzania, anthropologist Liisa Malkki found significant differences in how her subjects viewed the "refugee" label, depending on whether they lived in confined refugee camps or open urban settings.[27] For Malkki, the refugee camp is not just a place of asylum but also, following Foucault, a "technology of power" with the capacity not only to physically confine but to generate consciousness and world view.[28] She found that the refugee camp was "both the spatial and the politico-symbolic site for imagining a moral and political community" in which the notion of "refugeeness" was regarded as the defining feature of Hutu identity and culture. Camp-bound refugees constructed a powerful "mythico-history of exile" in which it was believed their collective voice would only be recognized so long as it remained the authentic voice of the "Hutu refugee."[29] By contrast, Hutu refugees who were living in towns in Tanzania tended to regard the refugee label as a stigma and a limitation that had to be overcome or erased: an aspect of one's past that could not be allowed to define the present. Just as the refugee camp had been conducive to the production of a powerful nation-based discourse of displacement/exile, among town-based refugees the entire refugee discourse with its affiliated juridical categories and institutional apparatus of decision-making tribunals, "protection certificates" and so on, was experienced as a "disabling variety of parochialism that would hinder social mobility and, falsely, unnecessarily fix people in social locations not of their own making." As a consequence, town refugees often went to considerable lengths to devise what Malkki terms "strategies of invisibility" and ways of negating the refugee label and replacing it with others (such as that of "immigrant" or "Burundian" or "Muslim"), which they juggled depending on the social circumstances and context. [30]

Malkki presents a powerful argument about the different ways in which the urban environment, on the one hand, and the closed world of the refugee camp, on the other, shaped the identities and historical consciousness of Hutu refugees in Tanzania. What happens when we ask a similar question about the identities of refugees who have resettled overseas? Does the cosmopolitanism of "the town" also shape the identities and historical consciousness of the WUSC student refugees who have resettled in urban Canada? Do they also tend to experience their formal as well as informal "refugee" status as a stigmatizing label to be overcome or erased? Does the discourse of "nationness" have little appeal against the desire to demonstrate one's cosmopolitan credentials and the social and cultural pressures to fit in as "new Canadians"? There is no uniform response to these questions. One can readily find examples of both, that is, of individuals who embrace the fact that they are or were, at one time, refugees; and, on the other hand, individuals for whom the refugee experience belongs to the past and is not something that can or should define their identities now or in the future. It is also true that, within the Canadian context, refugee status is something that can sometimes be leveraged for advantage and entitlement—access to government services, educational opportunities, and so on—and at other times be a hindrance and a stigma. The binary identities of refugee versus cosmopolitan appear to break down in the overseas context. What is perhaps most interesting is that resettlement overseas appears not only to foster the kind of "cosmopolitanism" described by Malkki but, in doing so, also creates the conditions for a diasporic national consciousness to emerge. Indeed, new technologies of communication have enabled this kind of diasporic consciousness and transnational networking to flourish. Let me provide one example, in the form of a new Internet website known as "Radio NILO."[31]

Radio NILO's home page introduces itself in the following words:

> Browsing Radio NILO's website, one finds everything from the latest Confederation of African Football news, a reader's forum on whether a future independent republic of South Sudan should align itself with East Africa, a eulogy for the late and much-beloved South African female singer Miriam Makeba and an update on South Sudan's contestant in a popular East African reality TV show to a discussion of African philosophical traditions and a profile of Africa's richest billionaire. In short, this is probably one of the best places on the Internet to find all manner of news and opinion relating to the continent of Africa and to East Africa and South Sudan in particular. One might easily assume from this coverage that the website is the product of some incredibly well plugged-in young Africans in some place like Juba, Nairobi, or Dar es Salaam. In fact, Radio NILO is based in New Westminster, BC, and is the brainchild of a WUSC-sponsored student refugee and current UBC anthropology major. Radio Nilo

advertises itself as the "latest, hottest addition to the vibrance [sic] of the entertainment scene in Juba, South Sudan," and it is quite conceivable (judging from the number of hits the website has received since it went live) that Radio NILO is where the youthful citizens of Juba turn regularly for information about what is going on in their city and region. Yet the entire operation is based out of a student apartment in a Vancouver suburb.

This example says a lot about the role and power of the Internet in the creation of transnational fields of social communication. It also highlights the complexity of diasporic identities. The existence of Radio NILO shows how resettlement in a third country like Canada actually makes possible a heightened consciousness and sense of (virtual) attachment to one's ancestral homeland, which is constituted and sustained by transnational networks of affiliation and communication. This observation has broader implications for our understanding of the very notions of "resettlement" and "citizenship" that underpin contemporary refugee practice and legal regimes. The assumptions underlying the original concept of refugee resettlement as embodied in the UNHCR's founding statute and the 1951 UN Convention relating to the Status of Refugees no longer seem to fit the circumstances and experiences of some refugees who are fortunate enough to secure resettlement overseas. The original concept of refugee resettlement was rooted in earlier, *territorialized* definitions of identity and culture. Migration was generally understood to be a one-way journey of uprooting followed by assimilation into a new, territorialized national space of identity and culture.[32] We now know that this model of uprooting and assimilation was never an accurate depiction of the complex and multi-layered identities and intentions of most migrants, and that the model actually tells us more about the nation-building narratives of countries than the experiences of migrants themselves. But the model is even less applicable in today's rapidly changing world of technologically driven time-space compression and instantaneous global communication. We need to recognize that *forced* "uprooting" is a defining feature that sets refugees apart from other kinds of migrants. But we also need to recognize that for refugees, as for other migrants, resettlement overseas can often be a catalyst and a means toward realizing a renewed cultural, emotional, social and political attachment to one's roots, and therefore a powerful source of identity. This has certainly been the case for some WUSC students, whose overseas experience has provided both the intellectual stimulus and the material means to reconnect with a real or imagined homeland. As Adam McKeown has reminded us, we need to take mobility and dispersion as the *starting* points of analysis, not as something incidental to an imagined process of assimilation, and

to recognize that people can and often do "belong" to more than one place at the same time.[33]

Concluding Comments

In 2008 the WUSC Student Refugee Program celebrated the arrival of the thousandth student refugee since the program began in 1978. The number is tiny in relation to the size of the global refugee population: in 2008 UNHCR estimated there were at least 42 million "forcibly displaced" persons worldwide, of which only some 10.5 million were receiving UNHCR assistance. Less than 1 per cent of the 10.5 million refugees under UNHCR care in 2008 were resettled in third countries.[34] Today there are only around twenty countries that have resettlement agreements with the UNHCR, and out of those twenty countries, nine of them, including Canada, are responsible for the majority of resettlement cases. If WUSC was ranked as a country, it would be the fifth-largest source of resettlement in the world, after the United States, Australia, Canada and Sweden, but ahead of countries such as Spain and Brazil.[35] Figures such as these highlight the accomplishments of the Student Refugee Program but also, more importantly, the scale of the global refugee problem and the inadequacy of the world's response.

Not that the world has remained oblivious to the plight of the forcibly displaced. On the contrary, as Malkki has observed, "a whole internationally standardized way of discussing people who have been displaced across national frontiers has emerged in the course of the last several decades."[36] However, one consequence of this evolution has been that "the refugee" has come to be "an almost generic, ideal-typical figure" both in popular consciousness and in the vocabularies and practices of states and voluntary agencies that manage programs for the care and administration of refugees. "The refugee," Malkki observes, often appears to us mainly as an "object of therapeutic intervention."[37] To this we might add that refugees are often also objects of pity and of resentment. But as Malkki reminds us, if we understand displacement only as human tragedy, we can gain no insight into "the lived meanings that displacement and exile can have for specific people."[38] I suggest that it is precisely this engagement with the "lived meanings" of displacement and resettlement that makes the Student Refugee Program such a powerful site for transformative learning. In the remaining section of this paper, I want to return to the SRP's role as a catalyst of transformative learning.

A key component of the Student Refugee Program at universities and colleges across the country is the support network that local WUSC committees put in place in order to assist the students once they arrive in Canada. It is here, in this nexus of newly arrived students, local Canadian

students and faculty, staff a n d a d ministrators t h at p o ten-
tial for transformative learning takes place, as bridges are
constructed, bonds are formed, and meaningful, often
enduring relationships are forged. "Being involved with
WUSC changed my life" according to Masresha
Arefaine, a WUSC-sponsored student from Ethiopia
who came to UBC in 2003 and later went on to
complete a bachelor's degree in international relations
and eventually became an immigration officer with
Citizenship and Immigration Canada. "I got a chance to
continue my education and live a new life." But the
adaptation process can often be slow and painful. "You
need time to adjust, you need mentors," Masresha observed,
adding that "it is really difficult at the beginning, adjusting
to the culture and living conditions in Canada. It's like a
computer—you must erase everything and down-load a
new program." The local WUSC committee, made up
entirely of student volunteers, is a key source of support for
students undergoing this transition. Pascaline Nsekera, a
WUSC-sponsored student from Burundi who completed
her bachelor of science degree at UBC, described how the
local support network works. "Even before the student
comes, we have a coordinator and we have a support sys-
tem around that person … we assign these various task[s]
to different volunteers, so the students know who to talk to
if they have certain kinds of problems." The relationships
that develop among students on this basis are often the
starting point and the basis for a profound learning experi-
ence. As described by Syma Khan, a former student chair of
WUSC-UBC, "We talk about the sponsored students and
how their lives have changes, but our lives change as well.
You learn about these issues in class or you see them on the
news, but to actually meet someone who has lived through
political instability and who has lived in the refugee camps
and to be able to interact with them on a personal level and
to become friends is really amazing and really enlighten-
ing."[39] These are all examples of transformative learning
through the SRP.

The bonds forged through the Student Refugee Program
often have far-reaching and long-standing impacts, not only
in terms of personal friendships and experiential learning,
but in terms of life and career choices as well. At UBC, an
increasing number of WUSC committee members, both
local students and former sponsored students, have gone on
to pursue graduate degrees in refugee studies and related
fields, and have chosen to build their careers around efforts
to address the plight of refugees and the forcibly displaced.
To take but one example, Pascaline Nsekera, who was
described above, completed her studies in science at UBC
but then decided to become a resettlement counsellor for
recent Francophone immigrants in Vancouver, and even-
tually founded her own, non-governmental organization

to assist African refugees in Vancouver. This, too, is an
example of transformative learning. At UBC and elsewhere,
universities and colleges are more and more recognizing
the significance of the WUSC Student Refugee Program
as both a symbol and an embodiment of the principles of
global citizenship. At UBC, President Stephen Toope, one of
Canada's leading human rights scholars, was until recently
Chair of WUSC's Board of Directors. UBC's recently
retired and long-serving Vice-President for Students, Brian
Sullivan, knows many WUSC-sponsored students at UBC
on a personal basis, and has been known to maintain con-
tact with some of them for years after they have graduated
from UBC. Examples like this can be found across Canada,
at institutions where the WUSC Student Refugee Program
has become a familiar and cherished part of the academic
community.

Finally, participation in the Student Refugee Program
has also been my way of coming to understand the "lived
meanings" of displacement for diverse individuals. Before
assuming my role as faculty advisor to the WUSC com-
mittee at UBC I had given little thought to refugees and
issues of forced migration and displacement. My attention
span was limited largely to the images that flit across our
television screens from time to time and never for very
long, until they are overtaken by the next big "breaking"
news. But in the past fifteen years, the Student Refugee
Program has become an increasingly large part of both my
professional and personal life. I count the personal and
professional relationships that I have cultivated through
the Student Refugee Program—with students and mem-
bers of the university staff and administration—as among
the most meaningful and fulfilling of my own university
experience.

Notes

1. I would like to thank Ruth Hayhoe, Sarah Dryden-Peterson,
   John Conway and Debi Goodwin for their helpful com-
   ments. This paper was originally prepared for the Educa-
   tion and Global Cultural Dialogue Conference: A Tribute
   to Ruth Hayhoe, University of Toronto, May 2011.
2. Jack Mezirow, *Learning as Transformation: Critical Perspec-
   tives on a Theory of Progress* (San Francisco: Jossey Bass,
   2000); Robert D. Boyd and Gordon J. Myers, "Transforma-
   tive Education," *International Journal of Lifelong Education*
   7, no. 4 (October-December 1988): 261–84.
3. World's Christian Student Federation was founded in 1895
   by the American evangelist John Mott, who was also a lead-
   ing figure in the international YMCA movement and was
   later instrumental in the founding of the World Council of
   Churches. By 1925 the Federation had branch movements
   in Australia, Burma, Canada, Ceylon, China, Denmark,

Finland, France, Germany, Great Britain and Ireland, Hungary, India, Italy, Japan, Korea, the Netherlands, New Zealand, Norway, Philippines, Russia, South Africa, Sweden, Switzerland and the United States. See Ruth Rouse, *Rebuilding Europe: The Student Chapter in Post-War Reconstruction* (London: Student Christian Movement, 1925), frontispiece, 221–22. The World Student Christian Federation, as the organization is known today, remains active with one hundred other affiliated movements in countries around the world. See the organization's website, http://www.wscglobal.org (accessed 14 March 2011).

4. Rouse, *Rebuilding Europe,* frontispiece, 221–22.

5. Http://www.wusc.ca/en/alumni/our_history (accessed 14 March 2011).

6. Http://www.wusc.ca/en/volunteer/seminar (accessed 06 September 2011).

7. Between 1979 and 1980 around 50,000 Vietnamese refugees were resettled in Canada. Eventually, more than 100,000 refugees from Vietnam resettled in Canada. On the Canadian response to the Vietnamese "boat people" and changes to Canadian refugee policy, see Howard Adelman, ed., *The Indochinese Refugee Movement: The Canadian Experience* (Toronto: Operation Lifeline, 1979); and Elliot Tepper, ed., *Southeast Asian Exodus: From Tradition to Resettlement: Understanding Refugees from Laos, Kampuchea and Vietnam in Canada* (Ottawa: Canadian Asian Studies Association, 1980). The aforementioned studies were produced at the height of the crisis and represent the proceedings of two conferences comprised of academics, members of voluntary organizations and politicians, which were convened for the purpose of finding ways to respond to the crisis. While there have since been many social science studies of the refugees' adaptation to life and Canada by sociologists, social workers and others, the history of the Vietnamese boat people and their resettlement overseas, including Canada, still awaits detailed scholarly treatment.

8. See the Citizenship and Immigration Canada web page that explains the program and its history: http://www.gic.gc.ca/english/refugees/sponsor/private.asp (accessed 11 April 2011. Since the PSRP's inception, the program has expanded to include two other categories of sponsors known as "Group of Five" and "Community Sponsors." The former is a sponsoring group made up of at least five Canadians (nineteen years and older) while the latter includes non-incorporated associations and organizations as well as corporations. In all cases, the sponsoring entity undertakes to meet all of the refugee's financial and emotional needs for the first twelve months after arrival in Canada.

9. The PSRP operates separately from the federal government's Government-Assisted Refugees Program, which provides for a limited number of refugees each year as part of the total immigration quota. The annual figures for government-sponsored and private-sponsored refugees from 2006 to 2010 are as follows: in 2006, 7,326 government-sponsored and 3,337 private-sponsored; in 2007, 7,512 government-sponsored and 3,588 private-sponsored; in 2008, 7,295 government-sponsored and 3,512 private-sponsored; in 2009, 7,425 government-sponsored and 5,036 private-sponsored; in 2010, 7,265 private-sponsored and 4,833 government-sponsored. Source: http:// www.gic.ca/english/resources/statistics/facts2010-preliminary/01.asp (accessed 11 April 2011).

10. The journey from refugee camp to university campus is described in a brilliant new book by former CBC producer Debi Goodwin, who followed eleven students from the Dadaab refugee camp in northeastern Kenya for one year from the moment of their departure from the camp to the end of their first year at universities across Canada. See her *Citizens of Nowhere: From Refugee Camp to Canadian Campus* (Toronto: Doubleday, 2010). Goodwin also made the award-winning 2008 documentary "*The Lucky Ones*" about students who were selected for the WUSC Student Refugee Program.

11. In Dadaab a total of 2,200 students completed primary school in 2007. However, only a quarter of the graduates were able to advance to the camp's three secondary schools, all of which were run by CARE Canada. The following year, Somali refugees in the Dadaab camps banded together with former refugees who had resettled overseas and Book Aid International to raise more than $2,000 for three community-run secondary schools which now operate in spaces provided by CARE and UNHCR. Goodwin, *Citizens of Nowhere*, 74.

12. For instance, only 43 per cent of school-aged children (and only 34 per cent of school-aged females) were attending primary and secondary school in the Dadaab camps in 2010, while the secondary school participation rate was just 12 per cent—well below the global average for UNHCR operations and the lowest among UNHCR operations in Africa. A recent authoritative assessment of the education sector in Dadaab recommended the construction of eighty-eight new primary schools at an estimated cost of US $24.5 million to meet existing need. However, the assessment was conducted in August 2010 when the combined population of the Dadaab camps was 277,000. By July 2010, the population of the Dadaab camps had swollen to nearly 400,000 and was continuing to rise rapidly, as a result of new refugees fleeing famine in the Horn of Africa. See Joyce Umbina, Andrea Koelbel and Ahmed Adan Hassan, *Joint Review and Assessment of the Education Sector in Dadaab Refugee Camps* (Nairobi: UNHCR, 2010), 8–9 and *Report on the Enrolment Rates to Primary and Secondary Education in UNHCR Operations* (Geneva: UNHCR Department of International Protection, 2010). I thank Sarah Dryden-Peterson for bringing these sources to my attention.

13. Michael Lanphier, "Sponsorship: Organizational, Sponsor and Refugee Perspectives," *Journal of International Migration and Integration* 4, no. 2 (Spring 2003): 242.

14. Ibid., 238.

15. Ibid., 238.

16. Morton Beiser, "Sponsorship and Resettlement Success," *Journal of International Migration and Integration* 4, no. 2 (Spring 2003): 203.

17. Lanphier, "Sponsorship," 243, identifies these as among the "assets" of private sponsorship.

18. Lanphier, "Sponsorship," 243–44. He also identifies strain on government resources and apparently marginal success in the job market as criticisms of the sponsorship program.

19. *Global Citizens: An Impact Study of Participants, World University Service of Canada Student Refugee Program, 1978–2000* (Ottawa: World University Service of Canada, 2003), 7.

20. Umbina, Koelbel and Hassan, *Joint Review*, 20.

21. Maureen Lewis and Marlaine Lockheed, *Inexcusable Absence: Why 60 Million Girls Still Aren't in School and What to Do about It* (Washington, DC: Center for Global Development, 2006).

22. The Shine a Light Campaign was launched in 2008. Funds are raised by local WUSC committees across Canada.

23. Harry G. Johnson, "Some Economic Aspects of the Brain Drain," Special Issue on the African Brain Drain, *Issue: A Journal of Opinion* 9, no. 4 (Winter 1979): 7–14.

24. AnnaLee Saxenian, "From Brain Drain to Brain Circulation: Transnational Communities and Regional Upgrading in India and China," *Studies in Comparative International Development* 40, no. 2 (Summer 2005): 35–61; Jean-Baptiste Meyer, "Network Approach versus Brian Drain: Lessons from the Diaspora," *International Migration* 39, no. 5 (2001): 91–110.

25. Http://www.unhcr.org/4444afcbO.pdf (accessed 06 September 2011).

26. Gil Loescher and James Milner, "The Long Road Home: Protracted Refugee Situations in Africa," *Survival* 47, no. 2 (2005): 153–74; Gil Loescher, Alexander Betts, and James Milner, *The United Nations High Commissioner for Refugees: The Politics and Practice of Refugee Practice into the Twenty-First Century* (London and New York: Routledge, 2008), 110–15.

27. Liisa Malkki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago: University of Chicago Press, 1995).

28. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995).

29. Ibid., 52–104.

30. Ibid., 53, 158, 232–35.

31. Http://www.radionilo.com (accessed 30 March 2011).

32. For a useful critique of the "assimilationist" model of migration as seen from the perspective of Chinese migration, see Madeline Y. Hsu, *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration Between the United States and China, 1882–1943* (Stanford: Stanford University Press, 2000), 4–8; and Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900–1936* (Chicago: University of Chicago Press, 2001), 7–13.

33. Here, too, we can learn from recent studies of Chinese migrant experience. See Minghuan Li's illuminating study of contemporary Chinese migrants in Europe, *We Need Two Worlds: Chinese Immigrant Associations in a Western Society* (Amsterdam: Amsterdam University Press, 1999).

34. Http://www.unhcr.org/4a375c426.html (accessed 06 September 2011).

35. This point was made by James Milner, professor at the University of Ottawa, cited in Goodwin, *Citizens of Nowhere*, 95–96. WUSC's ranking among resettlement countries is based on UNHCR resettlement figures for 2006.

36. Malkki, *Purity and Exile*, 9.

37. Ibid., 8. See also Roger Zetter, "Labelling Refugees: Forming and Transforming a Bureaucratic Identity" *Journal of Refugee Studies* 4, no. 1 (1991): 39–62.

38. Malkki, *Purity and Exile*, 16.

39. The comments are from a series of interviews conducted with WUSC local committee members and sponsored students. See "Ethiopian Student Finds Refuge at UBC" and "Refugee Program Creates Global Citizens," *UBC Reports* 50, no. 4 (April 1, 2004): 11.

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Rough Justice:
Inside the British Asylum System

Harvey Burgess

Abstract

This paper constitutes a detailed analysis and critique of the British asylum system from 1997 until the present day. It covers all the clearly defined areas of government policy, including funding, detention, deportation, human rights, European Union obligations, and asylum welfare. It also addresses the role of the judiciary and cites many of the landmark legal cases that have had a major impact on the sector. In providing a comprehensive overview of asylum and immigration that spans the entire period of the Labour government and the first few months of the new Coalition's tenure, the author aims to show that an often illiberal UK asylum policy is largely governed by principles of deterrent and political expediency. Only an enlightened House of Lords, now the Supreme Court, has served as a bulwark for justice and mitigated the effect of draconian government policies.

Résumé

Cet article est une analyse détaillée et une critique du système de l'asile britannique de 1997 à aujourd'hui. Il couvre tous les domaines clairement définis de la politique gouvernementale, dont le financement, la détention, la déportation, les droits de la personne, les obligations en vertu de l'Union européenne et l'aide sociale offerte aux demandeurs d'asile. Il s'attarde aussi sur le rôle de la justice et cite des cas ayant fait jurisprudence qui ont eu d'importantes répercussions. En fournissant un portrait complet de la situation de l'asile et de l'immigration durant toute la durée du gouvernement travailliste et les premiers mois du mandat de la nouvelle coalition, l'auteur cherche à montrer que la politique restrictive en matière d'asile au R.-U. est largement régie par des principes de dissuasion et d'opportunisme politique. Seule une Chambre des lords

éclairée et aujourd'hui la Cour suprême ont servi de rempart pour la justice et ont atténué les effets des politiques draconiennes du gouvernement.

> About suffering they were never wrong,
> The Old Masters: how well they understood
> its human position; how it takes place while
> someone else is eating or opening a window or
> just walking dully along.[1]

Introduction

This paper constitutes a comprehensive analysis of the British asylum sector between 1997, the year that the Labour Party acceded to office after eighteen years of Conservative rule, and the present day. It aims to present a balanced critique of government policy from a practitioner's perspective. Issues such as legal aid funding, the role of the judiciary, detention, deportation, human rights policy, welfare, and British participation in European Union immigration policies are all addressed in detail. I shall endeavour to show that UK asylum policy is often illiberal and largely governed by principles of deterrent and political expediency.

Legal Aid and the Demise of Two of the Major Publicly Funded Refugee Charities

On 16 June 2010, the UK's new Conservative-Liberal Democrat coalition government presided over the demise of one of the longest standing and most respected national refugee charities. Refugee and Migrant Justice (RMJ), formerly the Refugee Legal Centre, which had provided free advice and representation for vulnerable asylum seekers since it was founded in 1992, went into administration.

In 2005, it was given a human rights award from the human rights campaigning organizations, Liberty and Justice and the Law Society, for "consistent and fearless use of the law to protect human rights and hold immigration and asylum policies up to the scrutiny of the courts."

RMJ had been a shining beacon within the sector and its demise heralded a new low for legal aid immigration and asylum practitioners, as well as its 10,000 asylum-seeking clients who suddenly found themselves without legal representation.

The RMJ was no longer able to remain solvent due to a change of policy introduced by the then Labour government which prevented it from billing its work in progress while cases were still ongoing. Given that cases can continue for several years, it has never been viable for organizations reliant upon legal aid to function without staged billing. The Justice Secretary in the new coalition government, Ken Clarke, claimed that the RMJ failed to make the efficiency savings of other immigration providers. The RMJ rejected that allegation, arguing that it worked a minor miracle by continuing to operate for years in the face of swinging cuts in its budget, particularly the replacement of hourly rates by the fixed fee system.

On 11 July 2011, the Immigration Advisory Service (IAS), the largest provider of publicly funded asylum and immigration legal advice and representation, went into administration. The IAS had been in existence for thirty-five years and employed 300 people. It routinely handled over 20,000 cases a year. The government's decision to remove immigration from the scope of legal aid and also to reduce the legal aid fees for refugees seeking asylum in the UK by 10 per cent, resulted in the IAS losing 60 per cent of its income.

The Legal Services Commission (LSC), which had raised concerns over the IAS's financial management, stated that the decision taken by the IAS to go into administration was "theirs alone."

Practitioners would adduce the sad end of both the RMJ and the IAS as evidence that the government is seeking both to undermine immigration and asylum practitioners and to restrict access to justice for their clients.

The LSC, formerly the Legal Aid Board, is the agency mandated to administer legal aid, a system predicated upon access to justice for the unemployed and lowest income segments of society. In the early years of the New Labour period, the LSC encouraged dynamic small and medium sized immigration firms to expand, but it signally failed to follow through on its commitment to good quality immigration and asylum representation. Instead, increasingly lent on by government, it set about cutting costs and increasing bureaucracy with gusto. One by one, respected, long-standing legal aid immigration lawyers either were forced out of business altogether or decided to move into the private sector.

Multi-million pound "super" contracts were negotiated with a handful of large firms, the vast majority of which were known within the sector to be disreputable. Prime Minister Blair and a succession of hard-line home secretaries, notably David Blunkett and Jack Straw, launched stinging attacks on human rights lawyers, whom they alleged were cynically milking the system by stringing out cases and bringing frivolous appeals. Many practitioners were of the opinion that New Labour did not want to be inconvenienced by conscientious asylum lawyers who were not prepared to allow poor decision making to go unchallenged. Its ultimate aim appeared to be a pared down, American-style system of public defenders.

For at least half a decade under New Labour, the Home Office became a nightmare to deal with. It was supposed to be undergoing a complete overhaul, to include a new computer system costing an estimated 80 million pounds, which was eventually scrapped in 2001. Hundreds of files were lost and getting through on the telephone was virtually impossible. With the exception of minors, Legal Aid for representatives to attend their clients' asylum interviews was discontinued.

New Labour's Asylum Policy

In 1998, a year after Labour came into office, they tagged their new policy on immigration and asylum "Fairer, Faster and Firmer." The "Fairer" element of the package consisted of warm words as to the contribution made by immigrants to British society, an amnesty for 10,000 asylum seekers who had been waiting for a decision since 1993 (a backlog of 50,000 undecided applications had accrued), and the right of detainees to have automatic bail hearings. However, it soon became clear that government policy would be largely influenced by the Europe-wide push to harmonize asylum and immigration policy. Governments across Europe appeared to be at one in their desire to cut costs and ramp up controls.

The following measures all appeared in the government's 1999 asylum and immigration law: increased powers of enforcement and detention (including the continued detention of torture victims and children); the expansion of "fast-track" appeals and a reduction in appeal rights, not least the right to appeal against deportation and to pursue Judicial Review actions in cases where a person faced removal on safe third country grounds; the termination of all welfare benefits to asylum seekers; and a new system of dispersal under which asylum seekers would be given no say as to where in the country they were sent. The offer of housing was to be made on a "take it or leave it" basis.

The pressing issue of the poor quality of initial decision making, a corollary of the culture of disbelief which permeated the whole system, was not addressed. The UK Home Office has long been infamous for its "cut and paste" refusal letters and the fact that it routinely refuses 95 per cent of

applications. Historically, some 25 per cent of applicants have been successful in overturning those decisions in the immigration courts.

Judicial Review applications were knocked back by High Court judges with ever increasing regularity and Immigration judges showed no compunction in rubbishing expert reports and either ignoring or quoting selectively from human rights reports.

In October 2000, the European Convention on Human Rights (ECHR) was enshrined into British law by way of the Human Rights Act (HRA), a development that received a widespread welcome. The aim was to protect the individual from public authorities that violated Convention rights and to bring human rights issues within domestic jurisdiction. In order to dampen down any premature optimism that New Labour intended to be a pioneer in the cause of human rights, the Home Office minister, Mike O'Brien, immediately declared that the legislation should be viewed as "a shield, not a sword for rights… ."[2]

As far as asylum was concerned, the advent of the HRA impacted most of all on Articles 3—the right not to be subjected to inhuman and degrading treatment—and 8—the right to a private and family life—of the ECHR. Applicants had previously had to rely on Home Office discretionary policies which did not generate appeal rights so the formalization of such rights was unreservedly beneficial. The HRA provided a valuable benchmark as to the interpretation of humanitarian law. Minds were certainly focused and the ECHR dovetailed nicely with the 1951 Refugee Convention.

Post 9/11 Backlash: Deportation

Within a year, 9/11 happened and the entire climate surrounding human rights was transformed. In the ensuing years, unprecedented anti-terrorism legislation was introduced. A new court entitled the Special Immigration Appeals Commission (SIAC) was set up to deal with the appeals of those facing deportation in relation to issues of terrorism and national security. Secret evidence was to be permitted and appellants could only be represented by special advocates who had to be vetted by the security services. Furthermore, punitive "control orders" (which involve electronically tagging the persons in question and placing a whole array of restrictions on who they can meet or speak to, where they can and cannot go or work, and what technology they can use) were introduced and the legal period of detention without charge was extended from forty-eight hours at the beginning of the decade to forty-two days by 2008. Predictably, the immigration and asylum sector felt the backlash, not least at the hands of a biased British press. Attacks on asylum seekers in the tabloids multiplied.

Emboldened by government policy and rhetoric, there was no limit to their vindictiveness and mendacity. Richard Desmond took the lead when he pledged to run a sustained campaign against asylum seekers in his newspaper, the *Daily Express*. During a single thirty-one day period in 2003, he ran twenty-two negative front-page stories on asylum seekers. Characterized by racism, homophobia, and xenophobia, the tabloids never passed up an opportunity to label asylum seekers as terrorists, criminals, and rapists. They were all illegal, bogus, and disease ridden as well as being responsible for the spread of HIV-AIDS in the UK, plotting to kill Tony Blair, and eating swans and donkeys!

The 2006 foreign prisoner scandal was the catalyst for a push by the government to deport foreign nationals en masse. For in April 2006 it came to light that over one thousand foreign prisoners had been freed even though the authorities had failed to consider whether or not they should face deportation proceedings. The Home Secretary admitted that he did not know where they all were and, given that some of them were drug dealers and sex offenders, the inevitable storm in the tabloid press followed. Equally predictably, the government tried to rectify its error by being as tough as possible. It introduced a new policy predicated upon a presumption that foreign prisoners would be deported at the end of their sentences and it also introduced plans for a compulsory biometric identification for all foreign nationals.

Historically, the immigration rules had provided for deportation action to be initiated if the crime committed carried a two-year custodial sentence. This was halved to one year in 2007. The Home Office began trawling through their records to find any foreign nationals with criminal records, regardless of how long ago the offence took place or how minor it may have been. Many hundreds of deportation orders were issued and families suffered as their loved ones were detained and informed that they were to be expelled (the case of Jimmy Mubenga, see below, illustrates how human rights law cannot always act as a safeguard for individuals who appear, prima facie, to have very strong cases).

The government then went even further in legislating to replace the presumption in favour of deportation with automatic deportation. As of August 2008, deportation was deemed unequivocally to be conducive to the public good. One example of the highly political nature of the issue is evidenced by the fact that there is a lay member alongside two judges at deportation hearings and he or she will often be interventionist in putting forward public opinion.

Detention Policy

The UK policy on detention of asylum seekers has long been controversial. In 1994, Amnesty International found that

it breached international human rights standards, due to the fact that detainees were not being properly informed of the reasons for their detention, that there was no automatic scrutiny by a court of the decision to detain, and that they were often held in prisons alongside convicted prisoners.

The Home Office argues that it detains asylum seekers only as a last resort and only if it is thought that the risk of their absconding is high. The reality is that many of the one thousand or so asylum seekers who are locked up at any one time are detained upon arrival (often for the first time in their lives), and the statistics show that less than 4 per cent of those granted temporary admission into the UK abscond.

Article 31 of the 1951 Refugee Convention states that refugees should not be penalized for entering a country illegally. And yet, the UK has persisted in criminalizing those who enter the country with no documents or false documents or who are found to have destroyed their travel documents on the advice of their agent or smuggler. It is entirely arbitrary whom the Home Office decides to charge. There are around 5 per cent of new arrivals who are unlucky enough to be singled out and their sentences are usually 6 months or so. Even if the term does not reach the twelve-month threshold judges periodically recommend deportation.

Throughout the last two decades, there have been periodic disturbances at immigration detention centres, including hunger strikes and suicides. Campsfield House, an institution situated in the Oxfordshire countryside, which is run by Group 4 Security, was once referred to in the *Financial Times* as "part Franz Kafka, part George Orwell."[3] It was the scene of two serious incidents, in 1994 and 1997, during which protests turned violent and had to be suppressed by riot police. Detainees complained of a lack of medical care, a loud and intrusive public address system, surveillance cameras everywhere, mail tampering, being transferred to prisons without their lawyers being informed, poor food, and inadequate recreational facilities.

Yarl's Wood immigration detention centre in Bedfordshire, a major removal centre for women and families, has had a history of unrest since it opened in 2001. It was devastated by fire in 2002 following a riot; in 2004, a report by the Prisons and Probations Ombudsman exposed staff racism and violence; in 2009, it was revealed that children were being denied urgent medical treatment; and in February 2010, an investigation was launched by Members of Parliament following allegations that women detainees were badly beaten up by employees of Serco, the private security firm which runs the centre, during an ongoing hunger strike.

Over the last fifteen years, I personally have sat opposite at least twenty clients in detention who have complained that they have been both physically and verbally abused by immigration officers or private security staff. Those who have been the subject of forced removal attempts have been particularly prone to violent treatment. My clients have described being restrained and beaten by as many as ten officials as they were bundled onto commercial airliners whilst they fought tooth and nail to resist removal.

As I write this, the story of the death of Jimmy Mubenga, a forty-six-year-old Angolan, on a British Airways plane stationed on the runway at Heathrow Airport, is front-page news. He was allegedly restrained by three security guards who handcuffed him and used excessive force. They were pressing down on him for at least forty-five minutes. One passenger across the aisle is quoted as saying that Mubenga complained of not being able to breathe for at least ten minutes before he lost consciousness and another has said that he was screaming at the back of the plane and repeatedly saying: "They're going to kill me."[4] And that is exactly what they did. Mubenga never regained consciousness. He was taken to hospital and pronounced dead. The three security guards, who work for G4S, formerly referred to as Group 4 Security, were arrested but released on bail without being charged. Scotland Yard has said that the death is being treated as "unexplained."

A leaked G4S document has revealed that their staff are employing control and restraint techniques that the government's own advice warns can cause skull fractures, blindness, and asphyxia.[5] Deportee escort has become a lucrative business for private security firms. G4S is estimated to have been paid more than 9 million pounds between May 2005 and November 2006 for this alone.[6]

Mubenga had been living in the UK for sixteen years. Originally an asylum seeker, he was initially granted Exceptional Leave to Remain (ELR), a limited but renewable status which leads to Indefinite Leave to Remain (ILR). He was a devoted family man with a wife and five children—two of whom were born in the UK—between the ages of sixteen years and seven months. In 2006, following a nightclub brawl, he was convicted of actual bodily harm and sentenced to two years in prison. The Home Office duly sought to deport him. He fought the case tooth and nail. His lawyer tells me that they were knocked back several times, both in the domestic courts and in the European Court which did not consider his case to be exceptional enough. By that time, Mubenga had ILR in the UK and the rest of his family, who had ELR, had applied for ILR at the end of their allotted period of ELR. For four years the Home Office apparently neglected to deal with their case, which ought to have been an academic exercise in granting them Leave in Line. The lawyer believes their motivation was clearly to weaken the Article 8 claim as it would have been harder to argue that

the family could relocate to Angola if they were all settled in the UK.

Immigration enforcement officers invariably turn up en masse at their target's abode, at dawn on a weekend morning, knowing full well that the person's lawyer will usually not be working at that time. The experience of my Cameroonian client, Georges, is fairly typical. On his behalf, we had lodged an application for Judicial Review at the High Court. Whilst we were awaiting a response, his house was raided by at least eight armed immigration officers at 5.30 a.m. on a Sunday morning. Georges was held in a cell at Waterloo Station for twenty-four hours before being released. As so often happens, there had been a breakdown of communication either between government lawyers and the Immigration Service or between the senior immigration officers and their enforcement team, who were unaware that legal proceedings were pending and that Georges was not therefore removable from the UK. It was a clear case of unlawful detention and we referred the case to a lawyer specializing in that field. It took a long time but Georges was eventually compensated to the tune of 3,000 pounds. There are many instances of both unlawful detention and unlawful removal from the UK. (The Home Office periodically agrees to bring back erroneously returned individuals. In August 2010, it paid out 100,000 pounds in damages to a gay asylum seeker who was deported to his native Uganda where he was burned and hung upside down in prison.) Georges could easily have been put on a train to France, from where he had originally arrived, or even a plane to Cameroon, on that Sunday.

Right at the start of its tenure, in the summer of 2010, the coalition government pledged to end the detention of immigrant children, an unreservedly positive development. And yet, there are now fears that it is going to water down this commitment by setting up new centres to detain families who refuse to leave the country.

Expanding the number of failed asylum seekers who are detained is seen by governments of all persuasions as a useful tool for increasing the number of removals. The alleged failure of successive governments to remove enough failed asylum seekers has long been a hotly debated issue. New Labour was continually criticized by the Tories for having a poor record in that regard. It set itself a target of 30,000 removals a year but failed to get close to that figure, although, in 2006, it managed over 18,000.

Detention also impacts negatively on the ability of lawyers to represent their clients effectively, principally due to the strict deadlines for the preparation of cases. For example, in 2003, a fast-track system was introduced at Harmondsworth Immigration Removals Centre, close to Heathrow Airport (it was subsequently expanded to other centres). Single, male asylum seekers, whose cases, the authorities deemed, could be determined quickly were to be detained upon arrival and remain incarcerated throughout the procedure, until they were either removed or allowed to remain in the UK. The timescales were iniquitous. Asylum interviews took place on the day after arrival in the detention centre, decisions the following day, and appeals within a week of the refusal.

A 2006 report undertaken by Bail For Immigration Detainees (BID), showed that 99 per cent of the applications were refused and less than 3 per cent of appeals were successful. In 60 per cent of the cases reviewed by BID the Appellant had no legal representative in court whilst the Home Office was represented. There was a consensus that the system was set up to refuse applications as there was not enough time for detainees' cases to be prepared, nor was there enough time for bail applications to be made. In my experience, it is logistically impossible to assemble all the documents required, whether they are the client's personal documents, or press and human rights reports, or expert reports, in particular medico-legal reports, and also to have them translated into English where appropriate, within seven days.

The system of bail in the UK is signally lacking in settled procedures and structure. There are no practice directions (notes made by judges as to how specific procedures or formalities should be carried out) on bail nor are there any higher court judgments due to the fact that appeals are routinely predicated on the principle of habeas corpus (the right of every prisoner to challenge the terms of his or her incarceration in court before a judge) rather than on the specifics of a decision or procedural irregularities. Bail summaries, along with Entry Clearance refusal letters, have a reputation amongst lawyers as being particularly poorly reasoned.

Human Rights: Articles 3 and 8 of the ECHR

The House of Lords in the landmark case of *Razgar*[7] set down the questions that need to be addressed when determining an Article 8 claim. The decision maker must consider whether removal interferes with private or family life; if so, does the interference reach the Article 8 threshold? If so, is it in accordance with the law? If so, is it necessary in the interests of national security, public safety, economic well-being, health, and morals? And if so, is it proportionate to the legitimate, desired public end? These are the criteria which underpin the so-called proportionality principle.

When the HRA was introduced, a very conservative Immigration Tribunal (the upper tier in the immigration courts) appeared, together with the Court of Appeal, to close ranks in an attempt to mitigate its potentially radical impact. Alongside them stood the House of Lords, not yet

the corrective it would become later in the decade. Vis-à-vis Article 8, the courts' position was that a case had to be exceptional for it to succeed. Furthermore, the Immigration Tribunal was considered to be the principal fact finder and the higher courts would only interfere if a decision was seen to be perverse and/or fell without an acceptable margin of discretion. In 2000, the Court of Appeal, in the case of Mahmood,[8] heavily influenced by the European Court of Human Rights, set down guidelines as to the correct approach to be taken by decision makers seeking to strike a fair balance between the claims of family life against the need to uphold the integrity of immigration control. Essentially, removal of one family member from a State where other family members were lawfully resident would not infringe Article 8 provided that there were no insurmountable obstacles to the family living together in the Appellant's country of origin, even where they would experience a degree of hardship.

The Court placed much emphasis on the negative aspects of Article 8 cases, such as the inherent weakness of an Article 8 application where enforcement action predated a marriage and the parties entered into the marriage fully aware of the Appellant's tenuous immigration status. Moreover, it was solely the impact on the Appellant's human rights and not those of the family that the Court was obligated to consider.

By 2007 though, the prevailing wind had at last turned in favour of the individual. The House of Lords was in a liberal phase and set down a series of landmark Article 8 cases, most notably in the cases of *Huang*,[9] *Beoku-Betts*,[10] and *Chikwamba*.[11]

In *Huang*, the exceptionality test was dispensed with, as was the margin of discretion—or appreciation—principle. The Court found that it was incumbent upon the Tribunal to determine whether an immigration decision was incompatible with the Human Rights Convention and therefore unlawful. Simply reviewing the decision of the primary decision maker would not suffice. The Court emphasized "the core value" which Article 8 exists to protect, namely, the family. It went on to articulate all of the factors that were important in determining the strength of a family unit, such as financial and emotional dependence, cultural traditions, and its closeness and previous history.

In overturning the Court of Appeal decision in Beoku-Betts, the Lords found that the correct approach in Article 8 cases was to have regard to the family unit as a whole and to the impact of removal of the Appellant upon each and every one of the family members. This constituted an important departure from previous precedent that had focused almost exclusively on the Appellant. Baroness Hale of Richmond summarized the Court's approach, as follows:

To insist that an appeal to the Asylum and Immigration Tribunal consider only the effect upon other family members as it affects the appellant, and that a judicial review brought by other family members considers only the effect upon the appellant as it affects them, is not only artificial and impracticable. It also risks missing the central point about family life, which is that the whole is greater than the sum of its individual parts. The right to respect for the family life of one necessarily encompasses the right to respect for the family life of others, normally a spouse or minor children, with whom that family life is enjoyed.

In *Chikwamba*, the thorny issue of Home Office delay in dealing with cases was addressed. The Lords held that delay in the decision-making process could result in an applicant developing closer personal and social ties and deeper roots in the host community, thereby strengthening an Article 8 claim. Moreover, the longer the passage of time without a decision, the less force the proportionality argument that a relationship, however genuine, is trumped by immigration irregularities, will have. Finally, the more dysfunctional, inconsistent, and unfair the system as a whole is shown to be, the more the weight of the integrity of immigration control argument is reduced.

For the first time, the Home Office was to be held to account on the delay issue. Whilst it would not eliminate the entrenched problem of the limbo status of thousands of asylum seekers, the hope was that it would at least exercise government minds and start to make some inroads.

The private life plank of Article 8 has proved to be much more intractable. Interference with a person's "physical or moral integrity," as the courts have termed it, has been very hard to prove. However, in *Razgar*, the House of Lords accepted the proposition that the detrimental effect of removal on a person's mental health might well engage Article 8. The Court held that the Appellant, an Iraqi Kurd, had a right to a substantive human rights appeal on the basis of his human rights under Article 8 of the ECHR. The Appellant faced removal to Germany where his asylum claim had been refused and where he alleged he had been subjected to racist abuse. The Home Office maintained that the Appellant's human rights claim was manifestly unfounded but the Lords found that due to the adverse state of his mental health, his rights under Article 8 could be engaged even if his removal did not violate Article 3. The Appellant had previously attempted suicide and been diagnosed as suffering with depression and post-traumatic stress disorder. He was on medication and undergoing psychiatric therapy in the UK. He argued that he would be deprived of the equivalent treatment in Germany. The Court concurred with the findings of the European Court in *Bensaid*[12] that the Appellant's mental health "must also

be regarded as a crucial part of private life associated with the aspect of moral integrity … The preservation of mental stability is in that context an indispensible precondition to effective enjoyment of the right to respect for private life."

As regards Article 3 of the ECHR, two major factors have ensured that the advent of the HRA has not acted as a catalyst for the courts' interpretation of it to develop in the broad manner that has taken place with Article 8.

Firstly, there is the fact that Article 3 of the ECHR is an unqualified right and can never be subjected to the kind of balancing act that occurs in the case of the Article 8 proportionality test. No exception or derogation from Article 3 is possible, even in circumstances where a public emergency threatens the life of the nation. And secondly, the predominance of health cases within the ambit of Article 3 has consistently politicized it and, de facto, rendered it a "floodgates" issue. In other words, the powers that be have been exceptionally wary of setting a favourable precedent that could lead to a multitude of successful claims by so-called health tourists or others suffering from life-threatening illnesses. Whereas in Article 8 claims, the presumption is that Applicants may well end up contributing to British society, with Article 3, it is believed they will only ever be a burden.

The issue of HIV-AIDS is the defining one as far as Article 3 is concerned. Ironically, prior to the HRA, the Home Office policy on HIV was more liberal than the decisions emanating from Strasbourg. The 2007 decision of the European Court in D[13] set down firm principles which would make it almost impossible for someone to win an Article 3 case on health grounds. It was held that the expelling state is not obligated to provide medical care indefinitely to those who would be unable to access an equivalent level of treatment in their own country. Even if the returnee's life expectancy was to be significantly reduced, barring very exceptional circumstances, it would not be enough to breach Article 3. D only won his case because he was very close to dying of AIDS and had no possibility of medical treatment or family support in his country of origin, St. Kitts.

In another landmark case, namely that of N,[14] the Appellant argued that his AIDS-related illness was being controlled by the combination therapy (anti-retroviral drugs) he was receiving in the UK and that, were he to be returned to Uganda, the limited nature of the treatment and drugs available there would result in his rapid and fatal deterioration. Combination therapy is very tricky to administer and cannot easily be varied in the way that antibiotics can. The House of Lords rejected his case and the European Court did likewise.

Until recently, almost exclusively the only cases which deal with the core asylum issues have been successful in terms of Article 3. Interestingly though, there have been signs of a judicial thaw emanating from the impenetrable brick wall of *D* and *N*. In the case of *JA*,[15] the Court of Appeal found in favour of an HIV-positive Appellant from the Ivory Coast who had been diagnosed after arriving in the UK and was receiving anti-retroviral drugs from the National Health Service (NHS). Her case was distinguishable from *D* and *N* on account of the fact that she had entered the country lawfully, had been granted Leave to Remain on the basis of her medical condition (renewal of that Leave was refused after Home Office policy changed), and had been lawfully resident in the UK for some nine years. She did not therefore need to demonstrate exceptional circumstances. However, it ought to be stressed that the Court of Appeal only allowed the appeal to the extent that it remitted it back to the Asylum and Immigration Tribunal to be heard anew.

The real thorn in the side of the Home Office is the question of alleged terrorists who cannot be excluded in breach of Article 3. Much to its chagrin, the government has consistently been thwarted by the judiciary on a whole raft of so-called national security cases. Of course, this is the principal area in which opponents of the HRA dismiss it as being a liberal tool which protects criminals and terrorists.

It was, arguably, inevitable that there would be a protracted period of percolation whilst the judiciary weighed up the potentially huge ramifications of the HRA. Eventually, the highest court in the land began to lead from the front and adopt a more expansive position. Meanwhile, the Court of Appeal, still displaying its trademark conservatism and, notwithstanding the odd enlightened decision, as in the case of *JA* mentioned above, stubbornly refuses to soften its stance.

In the case of *TM, KM and LZ*,[16] three Zimbabweans, the Court of Appeal placed negligible weight upon low-level surplace activity (a person becomes a "refugee sur-place" either as a result of circumstances arising in his country during his absence or due to his own actions, such as expressing his political views in the country where he has sought refuge). Furthermore, it called into question whether the principles set down by the Supreme Court (see below) in *HJ and HT*,[17] that gays should not be expected to lie about their sexuality upon return to their home country, could properly be transposed onto the issue of an Appellant's political opinion. Whilst the principle enunciated in *HJ and HT* does theoretically apply to all Convention grounds, Elias J. expressed doubt that it would be as far-reaching as the Zimbabwean Appellants had sought to argue. The matter would need to be explored at a later date but it would likely revolve around whether the proposed action giving rise to persecution was at the core of a human right or at its margins.

Asylum Welfare

The issue of the welfare of asylum seekers and the denial of their right to work has been always been a vexatious one. Successive governments have been guided by the principle of deterrent, believing that asylum seekers come to the UK because they see it as a soft touch, especially in respect of welfare provision. The Labour government steadily ratcheted up the restrictions that were already in place under the previous regime. Whereas the Tories had denied benefits to asylum seekers who failed to apply for asylum at the port of entry and all those whose applications were refused, Labour went further in withdrawing them from all asylum seekers. With regard to their right to work, the Tory policy had been to allow asylum seekers to apply for a work permit six months after lodging their application if no decision had been made (this was automatically withdrawn if they were refused). In 2002, Labour introduced a blanket ban on their right to work, although this was softened a little in 2005, when it was decided that they could work if they had been waiting twelve months for a decision on their claim. In 2010, the Supreme Court held that the twelve-month rule also applied to refused asylum seekers who lodged a "fresh claim."[18]

Tory legislation denying benefits to certain categories of asylum seekers was challenged successfully in the courts. In 1996, the High Court found that Section 21 of the 1948 National Assistance Act, originally designed to provide residential accommodation to those in need of care and attention, could also apply to destitute asylum seekers who needed Local Authorities to care for them to prevent them from literally starving to death.[19] In response, Local Authorities in London began to disperse asylum seekers to other parts of the country. Labour embraced dispersal and formalized it in its Immigration and Asylum Act 1999. The nightmare scenarios for both central and local government were avoided. For the former, the spectacle of thousands of asylum seekers on the streets of London was avoided, and for the latter, the lack of geographical restrictions averted a potentially serious accommodation crisis in the capital.

Nonetheless, dispersal caused a great amount of hardship and hurt. Families and communities were split up as thousands of asylum seekers were shipped off to run-down sink estates in cities and far-flung corners of rural England where many of the inhabitants had never come into contact with black or ethnic minority people. The government failed to consult and make adequate provision for local authorities to cope with the increased strain on services. Inevitably, this caused a great deal of resentment and social division.

The National Asylum Support Service (NASS) was the body charged with administering the system and major asylum charities, such as the Refugee Council, happily collaborated with it. A lot of money was made as uninhabitable buildings were shoddily spruced up to accommodate asylum seekers, not least by disreputable landlords who did deals with NASS at excessive rents. Lawyers brought cases to try and keep their vulnerable clients (particularly those who had been dispersed but then fled back to London after being racially abused in the dispersal area) in London where their community and support networks were. Most challenges were rejected by the courts. The Court of Appeal tinkered with the Section 21 judgment but essentially came to the same conclusion.

The 1999 Act also introduced a controversial system of food vouchers for asylum seekers. Not only was the amount less than the level of income support, it was also limited to certain supermarkets and did not allow for any change in the form of cash in the event that the items purchased were less than the value of the voucher. Asylum seekers were duly humiliated as they were often forced to walk miles to the designated supermarket and were clearly identifiable as they produced their vouchers at the checkout. The system was scrapped in 2002.

The Nationality Immigration and Asylum Act of 2002 was introduced by the Labour government. Section 55 of that act denied asylum seekers any means of support from the government unless they had claimed asylum "as soon as was reasonably practicable" after arriving in the country. Despite the government claiming, during the passage of the bill, that Section 55 would only target people who had been in the country for some time and who claimed asylum at the last minute to avoid removal, in practice as many as 90 per cent of asylum seekers fell foul of this provision. The inevitable legal challenge to the government in 2003 was successful. The High Court ruled, in the case of *Q and others*, that the way it was operating the policy, effectively rendering the vast majority of asylum seekers totally destitute, breached the UK's obligations under Article 3 of the ECHR.[20]

The Secretary of State appealed the decision in *Q* and, although the Court of Appeal upheld the Administrative Court's findings on Article 3, it watered them down somewhat in holding that Applicants needed to show that they had made serious efforts to find accommodation.

In the 2005 case of *Limbuela*, the House of Lords set down further guidance on the issue of Article 3 and destitution. It upheld the Court of Appeal's findings in *Q* as regards the Article 3 breach but, in view of the scarcity of accommodation, held that there was no requirement for asylum seekers to demonstrate that they had looked for it.[21]

In 2008, the House of Lords ruled that the High Court judgment in *M* was wrong and that being able-bodied but destitute was not enough to qualify for Local Authority care under Section 21 of the National Assistance Act.[22]

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In 2009, the issue of unaccompanied child asylum seekers, known as unaccompanied minors, was litigated. Where such minors present themselves to a Local Authority with no accommodation, they will necessarily be accommodated under Section 20 of the Children Act 1989 until they are eighteen, when the Local Authority will continue to support them under what are known as the Leaving Care provisions of the Children Act. The responsibility to support minors, often until they reach twenty-four, is an onerous and costly one, which is why Local Authorities routinely would claim to have supported child asylum seekers under an alternative provision of the Children Act (Section 17) so as to avoid the need to help them once they turned eighteen. Whilst the High Court and the Court of Appeal dismissed, in a major test case, a challenge to the way Local Authorities avoided their Leaving Care responsibilities, the House of Lords allowed an appeal, deciding in a ground-breaking judgment that virtually all minors accommodated by Local Authorities were deemed to have been housed under Section 20 of the Children Act.[23]

In another ground-breaking judgment involving unaccompanied minors, the Supreme Court ruled (again overturning the Court of Appeal) that the contentious issue of unaccompanied minors' true ages—they were, and still are, often accused of mendacity when claiming to be under eighteen—should be decided ultimately by the courts on the balance of probabilities rather than by way of a conventional Judicial Review challenge requiring the claimant to show that the Local Authority had acted perversely, a much harder hurdle to overcome.[24]

The Supreme Court

The new Supreme Court replaced the House of Lords in October 2009. Its introduction was essentially a matter of propriety, as it was designed to bring increased clarity and modernity to the separation of powers between the legislature and the judiciary. It has continued to set down liberal judgments. One example from 2010 dealt with the issue of homosexuals. The Supreme Court overturned a Court of Appeal judgment in the case of *HJ and HT* in which it was held that homosexuals could reasonably be expected to conceal their sexuality in their home country, in order to avoid persecution. It gave short shrift to this argument when it declared that compelling a gay person to pretend that his sexuality does not exist is to deny him the right to be who he is.

The Safe Third Country Principle

The return of asylum seekers to so-called safe third countries, such as the US, Canada, Switzerland, or European Union (EU) member States, has been troublesome to administer

and often unjust. The Dublin Convention of 1997, part of the EU harmonization program, introduced the principle that individuals must make their asylum application in the first EU country they enter. They can be returned to another EU member State if it is found that they either passed through that State or lodged a claim there. One of the motivations behind the Convention was to put an end to what has been called "asylum shopping," the idea that asylum seekers willfully decide where they will claim asylum depending on the level of welfare benefits and reception conditions.

As well as creating another level of bureaucracy, being a drain on resources, and preventing the reunification of families, the Convention has resulted in asylum seekers being returned to countries which accept them under sufferance and who, particularly in the cases of Greece and Italy, do not provide them with treatment befitting so-called mature democracies that are signatories to the Geneva Convention. Indeed, in 2008, sixty-three refugee-assisting organizations urged all EU countries to cease removals to Greece under the Dublin Convention (Norway and Finland both did so) and an open letter to EU governments from the European Council on Refugees and Exiles (ECRE) referred to the lack of a fair determination procedure in Greece and risk of serious human rights violations there. The Greek policy of detaining asylum seekers in metal containers caused outrage in 2005 as did the 2003 Italian policy of shooting at boats carrying illegal immigrants.

The fact is that significant differences still exist in the asylum policies of member States and, throughout the period of the Dublin Convention, there have been grave concerns that asylum seekers returned from the UK to other EU countries might then be expelled back to the country of origin where a real risk of persecution exists. Consequently, many hundreds of third-country cases have been heard both by the UK courts and the European Court of Human Rights.

In 1999, in the landmark case of *Dahmas*,[25] the Court of Appeal ruled that Denmark was not a safe country for the Appellant, an Algerian political activist, to be sent back to. He had already had his asylum claim rejected by the Danish authorities and faced the prospect of being summarily removed back to Algeria. The judgment articulated two vitally important principles: firstly, that whilst in general it is not within the remit of the UK to second-guess or to scrutinize the decisions of other European tribunals, in cases where the facts are so startling, and where the decision of another has been so perverse and manifestly irrational, it is incumbent upon the courts to quash it; and secondly, that in cases where there is every likelihood that someone will be returned to a country where they will face persecution in the form of detention and torture, decision makers must have ultimate recourse to the 1951 Convention and its

obligations with regard thereto; i.e. the protection principle is paramount.

Notwithstanding *Dahmas*, it has been immensely difficult to stem the tide of third country removals. In 2008, the European Court upheld a decision of the Court of Appeal in the case of *KRS26* that the Appellant, an Iranian national, could be returned from the UK to Greece and, in the case of *Nasseri*[27] in 2009, the House of Lords concurred with the Court of Appeal that the Appellant, an Afghan national, could also be returned from the UK to Greece. Both Appellants had been refused asylum in Greece and argued that they would be *refouled* to their native countries in breach of Article 3. In both cases, it was held that no evidence existed that Greece returned asylum seekers to Iran and Afghanistan. It was open to the Appellants to apply to the European Court for a Rule 39 indication[28] against Greece once they were back in that country.

Accreditation

In 2007, in order to ensure that legal advice met the highest of standards—the sector has long been blighted by disreputable lawyers and so-called consultants—the government introduced an accreditation scheme for everyone providing publicly funded immigration services. There is certainly a feeling amongst immigration lawyers that they have been singled out by government. Indeed, no other area of the law has had an accreditation requirement imposed upon it. Moreover, many experienced lawyers I have spoken to do not believe that accreditation has been particularly efficacious. They point out that it does not appear to have curtailed unscrupulous legal aid practitioners, as after all, shoddy work is more a result of negligence than it is of ignorance. There is also a strong feeling that the scheme ought to have been extended to the private, i.e. non-legal aid, sector.

The Backlog-Amnesty Issue

By 2000, it was reported that there was a backlog of some 100,000 undecided asylum applications. This was believed to have risen to a staggering 450,000 cases by 2006. For at least twenty years, both Tory and Labour governments, whilst refusing to utter the politically sensitive word "amnesty," have engaged in backlog reduction by administrative means. The tools at their disposal have included significant increases in discretionary grants of ELR, concessionary "statue of limitation" policies such as the fourteen-year rule which allows those who have been living in the UK illegally for fourteen years to remain indefinitely, and other one-off initiatives. For example, in 1998, Labour allowed up to 30,000 asylum seekers who had been waiting several years for a decision on their applications to stay and, in 2003, it allowed 15,000 families who had waited more than three years for a decision to remain.

In 2008, the government announced that it had considered around a third of the 450,000 so-called "legacy" cases and had awarded some 40 per cent of them Leave to Remain. The right-wing press and conservative pressure groups rail against the grant of unjustified amnesty whilst politicians with a more enlightened view, such as the coalition government's deputy prime minister, Nick Clegg, talk about a route to citizenship for those who have been resident in the UK for ten years. London mayor Boris Johnson has even advocated a five-year-long residence concession.

Coalition Policies

The Conservative-Liberal Democrat coalition government has pledged to introduce a cap on the number of non-EU economic migrants permitted to live and work in the UK, particularly skilled workers and students. It has also promised to crack down on illegal immigration and trafficking by setting up a Border Police Force. The Prime Minister continues to emphasize his desire to reduce annual net migration levels. As far as asylum is concerned, the government has pledged to look at ways of speeding up the system and making it more cost-effective. It has also introduced a new process to enforce the removal of families who have been refused permission to stay in the UK.

With regard to funding, in November 2010, Ken Clarke set out his proposals for what the *Guardian* newspaper has referred to as the most drastic cuts to legal aid in its sixty-year history. Routine immigration matters such as entry clearance applications and the grant or variation of Leave to Remain will no longer be funded, neither will advice on asylum welfare matters, and lawyers will have their fees reduced by 10 per cent.

Statistics: Applications and Decisions

In 2000, the UK received a record 76,040 asylum applications. In terms of decisions made in that year, 10 per cent of applicants were granted Refugee Status and a further 12 per cent were granted ELR. By 2009, the number of applications had fallen significantly to 24,250. Decision-wise, 27 per cent of applicants were allowed to remain in the UK.

This century, Europe-wide, the UK has tended to be ranked in and around tenth position in terms of the number of asylum seekers it has in relation to its population. However, in relation to France, Germany, and Italy, the three other countries with the largest populations, the UK has a higher figure, both in absolute and per capita terms.

Conclusion

In conclusion, it appears to be very much a case of "*plus ca change c'est la même chose*" under the Conservative-Liberal Democrat coalition government: more cuts, more detention, more deportations, more poor quality Home Office decision making, more lawyers forced out of the sector, and less access to justice for asylum seekers and other immigrants. The principal counterweight to this continued dogmatism on the part of government remains the enlightened minds within the upper echelons of the British judiciary.

Notes

1. Wystan H. Auden, "Museé des Beaux Arts," in *Another Time* (1940); quoted from: *Political Analysis from the Inside*, Harvey Burgess (Oxford: Worldview Publications, 2001), 1.
2. Harvey Burgess, *Political Asylum from the Inside* (Oxford: Worldview Publications, 2001), 162.
3. Ibid., 119.
4. Paul Lewis, Matthew Taylor, and Cecile de Comarmond, "Man Who Died on Deportation Flight Was 'Heavily Restrained,'" *The Guardian* (October 15, 2010), 2.
5. Billy Kenber, "Guards Deporting Migrants Are Allowed to Use Restraint Methods That Can Kill," *The Times* (October 28, 2010), 5.
6. Lewis, Taylor, and de Comarmond, "The Man Who Died on Deportation," 5.
7. *Razgar v. Secretary of State for the Home Department*, [2004] UKHL 27.
8. *Mahmood v. Secretary of State for the Home Department,* [2001] 1 WLR 840.
9. *Huang v. Secretary of State for the Home Department* [2007] UKHL 11.
10. *Beoku-Betts v. Secretary of State for the Home Department* [2008] UKHL 39.
11. *Chikwamba v. Secretary of State for the Home Department* [2008] UKHL 40.
12. *Bensaid v. United Kingdom* [2001] 33 EHRR 2050.
13. *D v. United Kingdom* [2007] 30240/96.
14. *N v. Secretary of State for the Home Department* [2005] UKHL 31; *N v. United Kingdom* [2008] 26505/05.
15. *JA and ES v. Secretary of State for the Home Department* [2009] EWCA Civ 1353.
16. *TM, KM and LZ v. Secretary of State for the Home Department* [2010] EWCA Civ 916.
17. *HJ and HT v. Secretary of State for the Home Department* [2010] UKSC 31.
18. *ZO and others v. Secretary of State for the Home Department* [2010] UKSC 36.
19. *R v. London Borough of Hammersmith and Fulham ex parte M* [1997] 30 HLR 10.
20. *Q and others v. Secretary of State for the Home Department* [2003] EWHC 195 (admin).
21. *Limbuela and others v. Secretary of State for the Home Department* [2005] UKHL 66.
22. *R (On the application of M) (Fc) v. Slough Borough Council* [2008] UKHL 52.
23. *R (On the application of G) v. Southwark LBC* [2009] 1WLR34.
24. *R (On the application of A) v. Croydon LBC* [2009] 1WLR2557.
25. *R v. Secretary of State for the Home Department, ex parte Dahmas*—[1999] All ER (D) 1280.
26. European Court of Human Rights. *KRS v. United Kingdom* Application no. 32733/08.
27. *Nasseri v. Secretary of State for the Home Department* [2009] UKHL 23.
28. Rule 39 of the Rules of the European Court of Human Rights empowers the Court to indicate binding measures to member states to prevent, until further notice, the imminent expulsion or extradition of failed asylum seekers or irregular migrants at risk of harm of a serious, irreparable nature in their country of origin. In 2008, the Court dealt with over 3,000 such requests.

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Observations on EXCOM's 60th Session (2009): Does UNHCR Need (More) EXCOM Conclusions?

Michael Barutciski

Introduction

Despite the lack of academic interest in the work of the Executive Committee of the Program of the UN High Commissioner for Refugees (EXCOM), there is arguably no forum that is more important in terms of international refugee protection than the annual EXCOM sessions. This is the public face of diplomatic efforts to promote international refugee protection. What goes on behind closed doors in EXCOM's Standing Committee may be more revealing in terms of the policy developments envisaged by influential states, but it cannot replace public declarations made by state representatives at the EXCOM sessions.

While there is a risk that its plenary sessions will be bogged down and become overly politicized, EXCOM should attract the attention of analysts concerned by refugee problems around the world. Indeed, UNHCR should be encouraged to make publicly accessible on its website the various state declarations so that we better understand the positions defended by our governments on the international stage.

The EXCOM session held in October 2009 was the 60th session held since the body was created fifty years earlier. The discussions in this important forum have evolved over the decades as new expressions have emerged that reflect Western intellectual trends: "human security," "delivering protection," "humanitarian space" (to be distinguished from "protection space"), etc. Yet refugee protection problems remain fundamentally similar to those preoccupying the governments that first created the post of High Commissioner for Refugees in 1921. For the most part, the formal questions associated with the origins of international refugee protection remain valid almost nine decades after they were being formulated in the early phases of the multilateral system created after the First World War. What obligations will states accept towards fleeing foreigners designated as "refugees"? What forms of international solidarity will states accept in order to help other states directly affected by refugee flows?

As UNHCR's governing body, EXCOM has to deal with the same difficult problem of fleeing refugees in a world of sovereign states that jealously guard their territorial sovereignty. Yet it also has to deal with the growing number of influential non-state actors in a new context in which it is no longer controversial to suggest that state sovereignty is not absolute. International refugee law, along with human rights law, has developed considerably since the first attempts to create international institutional structures during the first half of the twentieth century.

EXCOM and Its Structural Ambiguities

It is worth emphasizing that UNHCR, as a subsidiary organ of the UN General Assembly, is supposed to collaborate with governments which represent states. The first paragraph of UNHCR's 1950 Statute specifies that it "shall assume the function of providing international protection [for refugees] … and of seeking permanent solutions … by *assisting Governments* and, subject to the *approval of the Governments concerned*, private organizations to facilitate the voluntary repatriation … or their assimilation" (emphasis added).

The difficulties of international protection are illustrated by the fact that UNHCR is supposed to protect refugees in collaboration with UN members which are often reluctant host states. The requirement to co-operate with governments is also found explicitly and implicitly throughout paragraph 8 of the Statute that outlines the activities of UNHCR. This fundamental aspect of its mandate follows the traditional role of the High Commissioner as articulated in the 1920s.[1] There is a tension between two potentially contradictory functions: applying pressure on states to protect refugees and collaborating with governments. There are clearly limits to the pressure UNHCR can apply

without indisposing the states that created it and thereby jeopardizing its future.[2] Watchdog-type roles or activities advocated by some (particularly Western) jurists who place their trust in mechanisms "untainted by the political control of states"[3] run counter to the logic of a system set up by states.

With its connection to a ninety-year institutional history, UNHCR has nevertheless acquired considerable authority in international law and should not be criticized lightly. However, it may be worth pointing out some basic confusion or misunderstanding about general aspects of the mandate.

During the last few years, some comments by UNHCR's most senior lawyers may be interpreted as suggesting UNHCR is an independent agency. The Director of International Protection has noted that "[t]here is the perennial issue in some quarters of a perceived lack of independence because UNHCR's budget hinges largely on the voluntary contributions of donor countries."[4] Similarly, the Assistant High Commissioner (Protection) has described UNHCR as "a humanitarian agency which operates independently of any political agenda … [working] in accordance with basic principles of humanitarian action—notably impartiality and independence."[5]

Whereas the above statements are not unequivocal, the European Court of Human Rights has clearly described UNHCR as a body "whose independence, reliability and objectivity are, in [the court's] view, beyond doubt."[6] Yet nothing in the Statute suggests UNHCR was intended to operate as an independent agency. On the contrary, the reference to independence that was mentioned in the initial 1949 resolution calling for the creation of UNHCR was not included later in the subsequent 1950 resolution and Statute that actually created the agency.[7] Again, this echoes a basic issue that was considered carefully by the members of the League of Nations in the 1920s and 1930s.[8]

Even if we acknowledge that UNHCR is formally "dependent," decades of practice may have reinforced a *de facto* autonomy in the sense that credibility on protection requires that UNHCR not be perceived as a simple tool to be manipulated by states. Although it is relatively clear that many within UNHCR believe the agency's authority would suffer if it were to be perceived as lacking in independence, some of its actions, such as its long-standing efforts to initiate the process for the adoption of EXCOM conclusions, suggest that it has in fact exercised a certain amount of autonomy over the years.

It is also worth remembering that EXCOM was originally intended to advise the High Commissioner, not states.[9] While it is not clear that the mandate was to advise on protection (i.e. sensitive) matters, in practice EXCOM began addressing protection approximately three years after its

creation.[10] A decade later it was directly advising states on protection problems.[11]

These developments occurred with the encouragement of the predecessors to the currently named Division of International Protection (DIP) which drafted and pushed for progressive conclusions on protection.[12] This situation eventually resulted in an ever-increasing number of EXCOM conclusions that were largely intended to defend previously adopted norms, rather than to respond to requests for guidance from the High Commissioner or states.

While it is understandable that an international cadre of UN specialists has developed unparalleled expertise in refugee protection, there are risks in having UNHCR assume the responsibilities that were reserved for states.[13] Perhaps the most striking example of the problems that arise from this institutional phenomenon is the aborted conference in early 1977 that convened under UNHCR's leadership in order to adopt a treaty on asylum. Indeed, a DIP-centred policy-making process runs the risk of complete failure in an international system that is ultimately based on voluntary state involvement.[14]

We may ask ourselves whether EXCOM has acted *ultra vires* or whether these important aspects of its practical evolution have been validated by the *de facto* acquiescence of member states. It could be argued that the legal maxim *boni judicis est ampliare jurisdictionem* justifies an enlargement of competence within tolerable limits.[15] The point being raised here is that an EXCOM under too much influence from UNHCR's protection specialists finds itself possibly exceeding the threshold limit. Contrary to the advice of some observers, it is unlikely that the solution to this complicated problem will be to recognize a *de facto* practice by providing EXCOM with a formal mandate to advise states on protection.[16]

As a governing body of UNHCR, EXCOM has to deal with various internal divisions from the perspective of states. Recent EXCOM sessions reveal that various participants have diverging views on such contentious issues as the institution's rapid expansion, the potential tension between protection and assistance, an asylum-centred focus as opposed to a comprehensive strategy, an activist as opposed to a conservative state-focused approach, etc.

Context of 60th Session and Governmental Delegations

There are various ways to interpret the appropriate role for UNHCR and its EXCOM, just as there are different approaches to ensure effective refugee protection. The pessimistic tone of recent Notes on International Protection prepared for EXCOM by UNHCR's Division of International Protection, as well as the harsh assessment of NGOs at

the 60th session, suggests that new thinking is needed to improve the situation of the world's refugees.

The increasingly interdisciplinary nature of forced migration studies has resulted in many new analytical insights that would have been difficult to imagine in the past. However, interdisciplinary research also carries some risks, and unfortunately a certain amount of confusion has been created in relation to the normative framework. One of the results is that many non-legal analysts do not seem to understand fully that treaties (sometimes called "conventions," "protocols," etc.) are adopted voluntarily by states and cannot be imposed by other international actors (e.g. international organizations, NGOs).

To the extent that understandings of our modern international system are still based on a positivist perspective that clearly distinguishes between legal rules and moral or political duties, it is important to appreciate that states have to willingly give up their sovereignty on issues that are to be regulated by treaties. In this context, it should be underlined that it was difficult enough to get states to accept *non-refoulement* in a treaty signed in 1951 (with ambiguities still remaining as to its interpretation), while the idea of a legally binding right to asylum did not materialize in 1951 and was also rejected at the international conference on the subject held in 1977.

Yet confusion relating to normative relativity is not solely the result of terminological or conceptual gaps between academic disciplines. This becomes apparent when UNHCR documents mention vaguely a "right to asylum" or when senior UNHCR legal specialists suggest there is a "collective duty" to help struggling host states in terms of burden-sharing. While most lawyers will be aware (and will acknowledge) that the terms "right" or "duty" are used here in a non-legal manner, social scientists and other non-legal analysts may be left with the impression that we are dealing with binding legal norms. This kind of misleading use of terms is common in forced migration studies, and it points to questionable interdisciplinary practices.

Although it goes against the flow of conventional thinking in the field, it may sometimes be more effective to be blunt and upfront in our descriptive analysis and assessment of the status quo when we want to encourage reform. For example, there is no legal obligation to share the refugee burden in any of the treaties that make up international refugee law. If we want reform, let us acknowledge this unfortunate situation, and try to build realistically rather than bluff our way forward by pressuring certain vulnerable states to accept refugees in the name of solidarity.

Before suggesting there is a conflict between principles and practical realities,[17] it is prudent to make sure an accurate picture of state obligations is presented, including

acknowledgement of problems related to normative relativity and/or disputes over interpretation of norms. If refugee advocates invoke legal authority to uphold refugee protection principles, then they should strive to present interpretations of international law that are likely to achieve consensus. Otherwise, so-called principled approaches will risk being dismissed and the strategy will backfire. The resulting potential for marginalization of the law will not further the cause of refugee protection in the long run.

It follows from the above comments that a realistic and reform-minded EXCOM should be the forum for genuine discussions that take into account state commitments and objections in an honest and upfront manner.

Indeed, underestimating the importance of state sovereignty has arguably led to several High Commissioners overshooting on prominent issues in recent decades: the mistaken supposition that the so-called "Convention Plus initiative" launched in 2002 could lead to a new complementary treaty on burden-sharing,[18] as well as the ill-prepared push in 1977 for a treaty that would establish a right to asylum.[19] Neither of these prominent initiatives succeeded, and some observers consider them as significant diplomatic defeats.

The state delegations that arrive at Geneva for the EXCOM sessions in order to present national views and to negotiate common positions can be complex in the sense that they are often composed of representatives from different ministries and departments that may have divergent interests.[20] As such, a state's consensus declaration can carry considerable weight as a compromise position between its different governmental actors.

Whereas these kinds of internal dynamics can be revealing in terms of the different facets of refugee protection, there is another more tedious dimension to EXCOM sessions that warrants being highlighted because it reflects an important reason why states participate in the collective enterprise known as international refugee protection. Delegations at EXCOM often present from a public relations perspective the positive achievements of their states, while doing their best to appear concerned about refugee problems around the world. Self-promotion, whether by states or organizations, is a key part of the international refugee regime. Indeed, it should not be surprising that states often have an interest in appearing humanitarian while not necessarily committing themselves to significant obligations. Many even present their generosity toward refugees as a defining part of their identity or tradition, regardless of the accuracy of such a representation. This is an understudied, yet fundamental, dimension of the politics of refugee protection. From a cynical perspective, this could mean that an effective delegation is one that is vocal about faraway

problems while making sure that its own record will not be further scrutinized.

The preceding criticism points to the hypocrisy that sometimes characterizes certain aspects of refugee protection. For example, some EXCOM members may want to adopt international norms or put pressure on other states, while they remain unwilling to discuss their own records. Some members will ask UNHCR to be accountable on a variety of issues such as children or gender, yet they are themselves reluctant to be held accountable to UNHCR.

Much like the dynamic within the former UN Human Rights Commission and the evolving tone of debates within the UN Human Rights Council, the risk of creating a politicized EXCOM is clearly present. Although there are now many new EXCOM members, it is safe to claim that a considerable number of delegations are not particularly active and are represented by lower-level diplomats. Other states, on the other hand, are becoming increasingly bolder and have even begun using the forum to block various collective initiatives. If truth be told, the tendency is such that some states may be suspected of deliberately trying to subvert or sabotage initiatives led by their adversaries. For example, if certain Middle Eastern states do not want birthright registration for handicapped refugees, as members of EXCOM they are legally entitled to advise the High Commissioner on the issue. UNHCR is left with little choice than to retract such seemingly useful initiatives.

Particular Nature of EXCOM Conclusions

Several observations follow from the state-centred analysis presented in the preceding sections.

In terms of international refugee policy, one concrete outcome of EXCOM sessions is the adoption of so-called conclusions. As EXCOM is not formally mandated to create binding legal rules, the conclusions can be considered a form of soft law. Although the concept of soft law is controversial in general international law circles that consider a norm to be either law or non-law,[21] human rights advocates tend to use it as an important aspect of the overall normative framework.[22] Many refugee specialists have already highlighted the contribution of EXCOM conclusions in the progressive development of soft law.[23]

When these non-legal norms are not respected and EXCOM wants to address the problems of implementation, the general approach of member states has been to reaffirm the norms previously endorsed. In particular cases involving important principles, EXCOM may seek endorsement by the UN General Assembly. The intention and hope is that such a procedure will improve the strength of the conclusions and persuade states to respect them.[24] As we are not dealing with legal norms, there is no formal judicial method

to sanction offending states without referring to other binding sources of law.

However, there is a critical way of examining the problem of weak implementation that focuses on lessons learned from a state-centred analysis. While international norm setting is important, it needs to be conducted with caution and prudence because of the voluntary nature of international legal rules that relate to sensitive issues of territorial sovereignty. This critical perspective (at least in relation to orthodox thinking in forced migration studies) suggests that the problems of relativity and double standards have not been sufficiently explored.

Conclusions may contribute to the unhelpful relativity of norms, a problem underappreciated by the many interdisciplinary academics who routinely refer to protection principles without adequate explanation of their nature.[25] Rather than assuring improved protection, we need to be aware that these discussions carry the risk of reducing the authority of the actual legal obligations imposed on states. To lump a "right to asylum" or "first asylum" principle along with the legally binding prohibition on *refoulement* can be misleading for those inclined to advocate on behalf of refugees (e.g. encouraging them to exaggerate norms or expect compliance when there is no actual obligation), and as a consequence the approach can suggest to reluctant states that the norms may be generally dismissed as an amalgamation of soft law rules. In other words, such an approach runs the risk of blurring the distinction between binding and non-binding norms.

Let us take the recent Canadian debate on boat people (following the arrival of Tamil asylum seekers on the West Coast) as an example of a potential problem with the conclusion process.

Anyone reading the EXCOM conclusions relevant to the situation of boat people will find out that, according to EXCOM, a potential host state is supposed to accept the asylum seekers on its territory, in an unconditional manner, and regardless of whether they arrive in such large numbers that they may represent a potential security threat. Host states are allowed *afterwards* to find alternative solutions, but this first step has to be respected in *all* circumstances according to the EXCOM conclusions that apply to the situation of boat people.

The US and Australia (along with Canada) participated in the consensus decision to adopt the various conclusions that (combined) give us the position outlined above.[26] These standards were adopted largely in relation to problems confronting coastal states in Asia during the 1970s and 1980s. We also need to keep in mind that American and Australian courts have in recent years applied different standards (i.e. the actual legal norms) in authorizing their states to treat

boat people in a different manner (i.e. intercepting and sending them elsewhere).[27] If someone disagrees with the interpretation offered in this section, then it is important to consider that our international system is set up to allow each contracting state to determine the appropriate interpretation of legal obligations by which it is bound.[28] Unlike other areas of international human rights law, there is no oversight body because states do not want one. In other words, the US Supreme Court's decision allowing the interception and return of Haitian boat people is the final word, at least insofar as international legal obligations are applied in the US.

So why would these influential states adopt soft law norms that directly oppose the actual hard law which their courts apply in practice? As many human rights–related approaches to soft law imply, is it because they want to eventually build up international practice so that the higher norms will actually become the legally binding standards? If so, do we seriously think the US will accept a threatening large-scale movement of boat people onto its shores? Or could it be that these conclusions can be used in a different way, as part of political or diplomatic efforts to persuade less influential states to provide protection in the more remote regions of Africa or Asia? There is an automatic assumption in human rights circles that higher norms are necessarily intended to force us to increase our protection efforts in an egalitarian manner. The idea that we may be deliberately setting double standards seems to escape advocates in the field of forced migration studies. If UNHCR were to have insisted on the EXCOM-established protection policy described above during the recent debate on Tamil boat people arriving in Canada, it would have been ridiculed and marginalized by most mainstream commentators in the country's media.

This brings us to the recent problem at the 60th session, held in 2009, the first year that a protection conclusion was not adopted at the end of the regular session since these instruments have been published.

Historic Failure to Adopt a Conclusion

For the last few years, the topic of protracted refugee situations (PRS) has become the focus of considerable efforts by UNHCR and its EXCOM. As hinted by the above comments, there is a way of addressing the problem of PRS in a less upbeat way than has been presented by analysts working alongside the Canadian government in order to ensure PRS is on the international agenda.[29]

A considerable amount of political effort was invested in the PRS campaign, including a two-day "protection dialogue" organized by the High Commissioner in December 2008. It is noteworthy that a rich member state such as

Canada, which is not directly confronted with the PRS problem (and which receives only a tiny fraction of the world's many refugees), would play a leadership role on this problem with the intention of guiding EXCOM towards the adoption of a conclusion detailing the applicable norms.

A critical interpretation of what has been achieved in terms of PRS at EXCOM might suggest that the topic contributed in blocking the conclusion process and in aggravating the growing tensions between delegations already divided along North-South lines. After all, the 60th session was the first time that no protection conclusions were adopted during a regular annual session.[30] Was the "compromise" text finally adopted in an extraordinary session held two months later worth it?[31] Was it really a step forward when considered along with the problems it created?

From the perspective of poorer refugee-hosting states, it is possible that their representatives are fed up with rich northern states pontificating about the importance of protection … while avoiding contact with refugees thanks to their geographic position and their interdiction policies. It is difficult to ignore that Canada was pushing for norms to be adopted by EXCOM, while many poorer refugee-hosting states were sceptical for a variety of reasons. If Canada wanted to show credibility on this issue which directly affects other states, genuine leadership would suggest that it should have committed itself by providing the poorer host states with financial help.[32] In other words, a commitment to share the burden (and not simply provide discretionary aid) is arguably the only credible involvement on this issue.

Promises of (limited and discretionary) so-called "strategic" resettlement are not enough, particularly when it is relatively clear that it forms part of larger Western attempts to persuade the poorer southern states to ultimately accept local integration as the actual durable solution for warehoused refugees. For the optimists inclined to believe that massive repatriation will resolve PRS, the historical record suggests we should be a little more pessimistic. Indeed, as relatively few refugees in protracted situations will be resettled and as it is unlikely that many countries of origin will become safe for return, it would not be surprising if poorer states realize that behind the rhetoric may lie an attempt to prepare the terrain for the actual solution favoured by rich states: local integration in the faraway poor countries.[33]

Therefore poorer refugee-hosting states have reasons to oppose seemingly well-intentioned humanitarian initiatives from rich states like Canada. It is not astonishing that a state which has hosted many refugees for prolonged periods such as Iran, which also receives limited international aid and which has difficult diplomatic relations with Canada, would not co-operate in EXCOM deliberations on PRS partly led by the Canadian delegation. Indeed, the suggestion by the

Canadian delegation that "[m]illions of refugees are counting on us to secure a positive outcome"[34] in terms of adopting a conclusion on PRS is not only an exaggeration of the effects of these soft law instruments, it may also appear as unsophisticated diplomatic pressuring to some observers.

A critical approach to forced migration studies does not simply limit itself to advocating for higher protection norms and blaming governments for not implementing these norms. The public relations dimension of humanitarian action should suggest that some initiatives may actually conceal other concerns that are not about equitable burden-sharing.

If we really want to advance North-South co-operation and introduce some equity in the global distribution of refugees (and the accompanying burdens on host states), then it is more useful to tackle the burden-sharing problem in a direct manner. However, past experiences in EXCOM suggest that the enthusiasm of rich states disappears when the discussion turns to burden-sharing which entails the possibility of assuming actual obligations despite geographical distance.

A blunt and upfront analysis has its benefits, at least in terms of thinking about constructive efforts that allow us to focus on genuine solutions. After all, solutions are going to be institutional. Unless one believes that the refugee specialists can do everything, it makes little sense to have UNHCR also focus on lots of different activities which do not relate directly to asylum (e.g. resolving the problems that make people flee in the first place).[35] In this sense, it is not clear that the concern about PRS advocacy is fundamentally different from the old "root causes" concern of a couple of decades ago.[36] There is a danger that the refugee specialists are being sidetracked from core issues and led towards optimistic promises about peace building and post-conflict reconstruction:

> [T]he Convention Plus initiative lost itself in highly specific issues, most likely on account of the Agenda for Protection, with its emphasis on the need to solve protracted refugee situations, without explanation as to how those specifics would contribute to an effective system of global burden-sharing (the focus on specific refugee situations could not be expected to yield the requisite fundamental analysis or substitute for such analysis either).[37]

If UNHCR were doing really well in relation to its core responsibilities, the interest in such expansion could be understandable. But that is not the dynamic at work here.[38] In the meantime, UNHCR is arguably somewhat absent in terms of contributing to the boat people issue, the one problem that was directly affecting Canada during the period preceding and following the 60th session, not to mention

an issue that affects Australia and the influential EU states from the Mediterranean region.

The above analysis may explain some of the new tensions and dynamics within EXCOM. Is there a crisis in norm making? Perhaps. Yet the problem is not necessarily the one being highlighted by many advocates. In any case, it is revealing that UNHCR is increasingly being excluded from the state-led negotiations relating to the EXCOM session.

The above comments on PRS are related to previous concerns raised about mandates. As non-Western voices gain prominence in EXCOM, UNHCR will have more difficulty in defending itself against a basic critique of the recent evolution of the refugee protection system:

> What we are seeing today is the revival of the liberal cultural-political ideas of progress and reform that informed the colonial project … Political humanitarianism has refused to be limited by the classic concept of humanitarianism with its emphasis on the principles of impartiality, neutrality and independence. In the post-cold-war era international humanitarian agencies, both governmental and non-governmental, have come to accept the view that it is their task to address both the causes and the aftermath of a humanitarian crisis … One result is that humanitarian agencies have begun to neglect local voices as these often conflict with the agenda of states that fund them … Much of the changed approach can be traced to the desire of humanitarian agencies to be active participants in transforming the non-western world in ways that realize the Western vision of good governance.[39]

Conclusion

While there may be several explanations for the failure to adopt a protection conclusion during the regular 60th session, this commentary urges analysts to focus on the lessons that may be learned from a legal positivist reading of international obligations and mandates.

Many analysts have already noted that UNHCR's mandate sometimes appears to be losing clarity, yet one basic aspect on which we need to agree is that this historic institution was never intended to be (and cannot be expected to act as) a strong advocacy watchdog-type body. There are clearly limits to how much states will allow themselves to be led by the legal services of a multilateral institution (i.e. UNHCR's Division of International Protection) in the implementation of important norms concerning refugees that seek access to their territories.

These comments point to the observation that there are diverging views on the relative independence of UNHCR and how this affects EXCOM. There are similar divergences on the future of the EXCOM conclusion process. Should the focus now be to fix the process or to drop it while pushing

elsewhere for the development of norms? The wider UN system, for example, allows for possibilities to advance various (soft law) norms in other settings such as in the human rights committees. These choices reflect underlying tensions within EXCOM that relate to different protection approaches which can be roughly categorized by their emphasis on consensus-building or on progressive advocacy.

As a body created by UN member states and supported by different governments with varying political/cultural traditions (including non-liberal ones), UNHCR's mandate should be interpreted with moderation and a reasonable (yet critical) respect for state sovereignty. One of the consequences of an increasingly democratic forum such as EXCOM is that a variety of perspectives and issues will be raised by member states. This is a fact of life in international organizations that want to truly represent their diverse constituents and we have to live with the limitations of action which may result. While donor funding trends do not indicate for the moment any major changes, EXCOM may be shifting slightly away from the Western-controlled forum that has existed since the 1950s. If we believe in the sovereign equality of states, and lack a viable alternative that can address inequality,[40] this development should not necessarily be seen in a negative light by those who oppose a hegemonic liberal project that seeks to reshape international policy making on forced migration issues.

Likewise, if we accept that primary responsibility for refugee protection lies with states, then the flip side of this proposition is that states have a key role in determining the norms. If they prefer to politicize protection debates in EXCOM and not to recommend effective approaches, then there is no magic way of bypassing this impasse. When we consider the risks of politicization, we should also appreciate that it can take many forms. For behind the more direct forms that involve open accusations, there have always been the more subtle forms that involve scoring public relations points and maintaining a humanitarian façade. Genuine leadership will move beyond these diversions and recognize the human plight that demands we assume responsibility for our collective worldwide protection failures.

Notes

1. "Les représentants … seront nommés par le Haut Commissaire de la Société des Nations, avec l'agrément des gouvernements intéressés. Ils exercent leurs attributions dans les conditions arrêtées d'un commun accord entre les gouvernements intéressés et le Haut Commissaire." Accord relatif au fonctionnement des services du Haut Commissaire de la Société des Nations pour les réfugiés, *Recueil des Traités de la Société des Nations*, no. 2126, vol. 93, 1929, p. 378 (signed in Geneva on 20 June 1928).

2. "Pressures on UNHCR would appear to be increasing, with governments openly critical of it for taking on an advocacy cum prosecuting judge role, rather than assisting states to cope with the changed refugee context." Adrienne Millbank, *The Problem with the 1951 Refugee Convention*, Research Paper no. 5, Parliamentary Library of Australia, 5 September 2000, 19.

3. Anthony M. North and Joyce Chia, "Towards Convergence in the Interpretation of the Refugee Convention: A Proposal for the Establishment of an International Judicial Commission for Refugees," *Australian Year Book of International Law*, vol. 25 (2006), 261.

4. Volker Turk, "UNHCR's Role in Supervising International Protection Standards in the Context of Its Mandate" (keynote address, International Conference on Forced Displacement, Protection Standards, Supervision of the 1951 Convention and the 1967 Protocol and Other International Instruments, York University, Toronto, 19 May 2010), 15.

5. Erika Feller, "Protecting People in Conflict and Crisis—Responding to the Challenges of a Changing World" (keynote address, Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World, Refugee Studies Centre, University of Oxford, 22 September 2009), 1–2.

6. *K.R.S. v. United Kingdom*, Application no. 32733/08, Council of Europe: European Court of Human Rights, 16, 2 December 2008.

7. "The High Commissioner's Office for Refugees should (a) be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties." UNGA, Resolution 319 (IV), (3 December 1949), para. 1 (a).

8. See, e.g., Rapport du Secrétaire général sur les réfugiés, doc. A.28.1930.XIII, 30 (August 1930); and Rapport présenté à l'Assemblée par le sixième comité (rapporteur M. François-Poncet, France), doc. A.75.1930.XIII (27 September 1930).

9. See UNGA Resolution 1166 (XII), 26 November 1957, para. 5 (b).

10. Jerzy Sztucki, "The Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme," *International Journal of Refugee Law* 1, no. 3 (1989): 203.

11. Ibid.

12. The uniqueness of this situation has been noted in ibid., 294: "Yet, in contradistinction to most, if not all, organs of the United Nations, draft conclusions are not submitted by the participating delegations, but by the Office of the UNHCR, as final sections of the respective Notes elaborated within the Division of Refugee Law and Doctrine for every substantive item on the Sub-Committee agenda. Also, the agenda itself is drawn-up by UNHCR, although Members of the Executive Committee keep asking for an input."

13. In terms of recent insights in the political theory of international relations, this commentary suggests that examination of pathological organizational behaviour is not limited to analyses that avoid a state-centric focus. See Michael N. Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 53, no. 4 (1999): 715.

14. For a critical analysis by the head of the French delegation at the Conference, see François Leduc, "L'asile territorial—Conférence des Nations Unies," *Annuaire français de droit international* 23 (1977), 256: "Les choses étant ce qu'elles sont, la déception sera vive au Haut Commissariat des Nations Unies pour les réfugiés qui a été l'initiateur de cette Conférence, y a travaillé pendant des années et a dû constater son insuffisante préparation et une évaluation inexacte des différents courants de pensée. Tout aussi vive sera la déception des organisations non gouvernementales, très attachées à ce projet, qui ont commis la même erreur d'appréciation que le HCR ainsi que celle des pays ayant une tradition libérale de l'octroi du droit d'asile."

15. Sztucki, "The Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme," 297.

16. Ibid., 311.

17. See, e.g., the report commissioned by UNHCR's Policy and Evaluation Services on border closures that addresses the tensions between principles and operational realities, while presenting the analysis on the basis of a supposed "obligation to offer asylum." Kate Long, *No entry! A review of UNHCR's response to border closures in situations of mass refugee influx*, UNHCR/PDES, June 2010, 2.

18. Marjoleine Zeick, "Doomed to Fail from the Outset? UNHCR's Convention Plus Initiative Revisited," *International Journal of Refugee Law* 21, no. 3 (2009): 387–420, at 413.

19. See Atle Grahl-Madsen, *Territorial Asylum* (New York: Oceana Publications, 1980), 61–80.

20. The Canadian delegation, for example, generally shows up with representatives from Citizenship Immigration Canada, the Department of Foreign Affairs and International Trade, Canada Border Services Agency, and the Canadian International Development Agency.

21. See, e.g., Martin Dixon, *Textbook on International Law*, 6th ed. (Oxford: Oxford University Press, 2007), 50, in which this use of the term is considered as unhelpful in that it is "not really law at all."

22. Dinah Shelton, "International Law and Relative Normativity" in Malcolm D. Evans, ed., *International Law*, 2nd ed. (Oxford: Oxford University Press, 2006), 182: "Despite their limited juridical effect, non-binding instruments have an essential and growing role in international relations and in the development of international law."

23. See, e.g., Sztucki, "The Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme," 307: "Denying their normative character from the juridical point of view is not to deny their normative function at all … the term 'soft law' is a handy formula, denoting a body of non-legal and non-binding provisions, still having normative purport and, possibly, also some legal relevance." See also Bryan Deschamps and Rebecca Dowd, "Review of the Use of UNHCR Executive Committee Conclusions on International Protection," report for UNHCR's Policy Development and Evaluation Service, April 2008, 5.

24. Sztucki, "The Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme," 312–16.

25. See, e.g., Alexander Betts and Jean-François Durieux, "Convention Plus as a Norm-Setting Exercise," *Journal of Refugee Studies* 20, no. 3 (2007), 510: "Asylum implies that states have obligations towards refugees who reach their territory … the principle of asylum is supported by a relatively strong legal sub-regime."

26. See EXCOM conclusions no. 22 (1981), 23 (1981), 85 (1998), and 100 (2004).

27. See *Sale v Haitian Centers Council*, 113 S CT 2549 (1993) and *Ruddock v Vadarlis* [2001] FCA 1329.

28. James C. Hathaway, "A Reconsideration of the Underlying Premise of Refugee Law," *Harvard International Law Journal* 31, no. 1 (1990), 166: "[A] dominant feature of modern refugee law is its establishment of a protection system over which individual states, rather than an international authority, have effective control."

29. See, e.g., Adèle Dion, "Protracted Displacement: Comprehensive Solutions—A Whole-of-Government Approach," *Forced Migration Review* 33 (September 2009): 28–29; Gil Loescher and James Milner, "Protracted Displacement: Understanding the Challenge," *Forced Migration Review* 33 (September 2009): 9–11.

30. Protection Statement of the Government of Canada to the 60th Session of EXCOM, 30 September 2009, p. 1: "We have strongly supported the work of the High Commissioner and the UNHCR to focus on protracted refugee situations over this past year. We were especially impressed by the partnerships, particularly with development agencies and peace and security actors that have been undertaken to better respond to protracted contexts … We note with disappointment that Member States were unable to secure a consensus on the Conclusion on Protracted Refugee Situations in time for this meeting."

31. EXCOM conclusion no. 109 (2009).

32. Statement by Hon. Lawrence K. Masha, Minister for Home Affairs, United Republic of Tanzania, at the 60th Session of EXCOM, 29 September 2009, 7: "As the global crisis and economic downturn deepens, taking its toll on the economics of most nations, it is the underdeveloped and the poor nations which are mostly affected. Yet these are the countries that carry the biggest burden of hosting hundreds of thousands of refugees."

33. Statement by H. E. Mr. Taghi Ghaemi, Bureau for Aliens and Foreign Immigrants Affairs, Ministry of the Interior of

the Islamic Republic of Iran, at the 60th Session of EXCOM, 29 September 2009, 3–4: "Suggesting local integration as a solution provides crisis for the host countries especially in the mass influx situations could not be accepted. We therefore expect that the international community would refrain from providing unrealistic and irrational remedies."

34. Protection Statement of the Government of Canada to the 60th Session of EXCOM, 30 September 2009, 2: "We urge all countries to continue to negotiate the text in the coming months to ensure that it can be adopted as soon as possible. Millions of refugees are counting on us to secure a positive outcome."

35. Statement by H. E. Ambassador Reinhard Schweppe, Permanent Representative of the Federal Republic of Germany to the UN, at the 60th Session of EXCOM, 28 September 2009, 4: "[T]here is no need and no obligation for UNHCR to do the whole job on its own."

36. See the critique in James C. Hathaway, "Why Refugee Law Still Matters," *Melbourne Journal of International Law* 8, no. 1 (2007), 98. .

37. Zeick, "Doomed to Fail from the Outset?" 419.

38. On the serious problems of access to asylum, as well as allegations of *refoulement* and naval "push backs" in the Mediterranean region, see NGO Statement on Agenda Item 4 (General Debate) at the 60th Session of EXCOM, 29 September 2009, 3.

39. B. S. Chimni, "The Birth of a 'Discipline': From Refugee to Forced Migration Studies," *Journal of Refugee Studies* 22, no. 1 (2009): 20–22.

40. Benedict Kingsbury, "Sovereignty and Inequality," *European Journal of International Law* 9 (1998): 616.

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Book Reviews

Citizens of Nowhere: From Refugee Camp to Canadian Campus

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Debi Goodwin
Canada: Doubleday Canada, 2010. pp. 326.

With one of the worst droughts in over half a century, the population of the Dadaab refugee camps bordering Somalia—originally built to accommodate 90,000—has swelled to over 440,000 as of August 2011.[1] Given the hardships borne by individuals "warehoused" in one of the most prolonged cases of exile in the world today, Goodwin's book *Citizens of Nowhere* offers a timely and poignant account of persevering young refugees in Kenya who seek to better their prospects by resettling in Canada. The idea for the book was germinated during Goodwin's 2007 trip to Dadaab as the producer of the award-winning documentary *The Lucky Ones*. Like the documentary, *Citizens of Nowhere* offers an intimate look at the conflicting emotions faced by refugee youth (between seventeen and twenty-four years old) who are the recipients of a coveted resettlement opportunity to pursue their tertiary education at colleges and universities across Canada. It is an opportunity that represents both a solution to protracted exile and a new form of dislocation—a journey away from the familiarities of "home."

Over the course of five chapters (326 pages), Goodwin traces the turbulent lives of eleven refugee students (ten Somalis and one Oromo) for one year as they resettle in Canada through the World University Service of Canada's Student Refugee Program (WUSC SRP), and confront the challenges of cultural adjustment, isolation, and integration. The WUSC SRP offers a particularly intriguing (and exceptional) case study as it is the only program of its kind in the world to link resettlement with access to post-secondary education. In featuring eleven of the over 1,000 students who have been sponsored by the WUSC SRP since 1978, the book offers "a snapshot of a refugee's first year in Canada […] of the challenges to their identities, of the changes in their attitudes toward their own culture and their new country."[2] While *Citizens of Nowhere* displays the same narrative qualities as other popular literature on transnational refugee youth (such as *They Threw Fire on Us from the Sky* and *What Is the What*),[3] Goodwin moves away from the subject of "Lost Boys" in America, to engage with the previously unexamined case of Somali youth in Canada.

Goodwin's knack for storytelling enables her to paint a vivid image of the many localities surveyed in the book (from the camps of Dadaab to the bustling streets of Toronto and Vancouver and prairie communities in Brandon and Sakatoon), as well as to construct an intimate portrait of each student's psychosocial journey through the resettlement process. What results is an engaging narrative that skillfully blends subjective, sociological, and historical elements. She refrains from being an omniscient narrator by acknowledging her positionality within the story, both as a witness and a source of social support to the students, weaving in personal reflections and anecdotes where appropriate. That said, Goodwin also gives voice to the students in creative ways by incorporating their Facebook and email communications, editorials written for Dadaab newsletters, and excerpts of essays written at Canadian universities.

Goodwin draws on over one hundred interviews[4] and hours of observation, in both Kenya and Canada, and her journalistic background is ever present. She provides a brief, yet thorough, background on refugee issues in Canada and Kenya, the role of the UNCHR and other NGO actors in Dadaab and the Somali conflict, though remaining more descriptive than analytical in her approach. As such, the book has the potential to reach beyond academic and journalism circles and engage a broader audience in discussions of refugee issues. Although not academic in nature, and despite a lack of footnoting and citations that may dissuade scholars from drawing on it as a resource, the book offers several recurring themes for academic inquiry.

The youth perspective encapsulated throughout the book is one of its greatest contributions to ongoing scholarship in refugee studies. Themes that are often explored in relation to migrant adults, such as the importance of sending remittances, fiscal responsibilities to family, and efforts to retain cultural conformity in the diaspora, are shown to be paramount aspects of the youth experience as well. Despite physical separation from their communities in Dadaab, the

students maintain their cultural norms and often struggle to understand and/or accept Canadian customs; as one young woman articulates, "If I lose my Somali identity or my Muslim identity or my African identity, I don't believe I can understand Western culture. If I can keep my identity, I can look at the other things from other cultures and understand them."[5] For her and her peers, religious and family obligations provide consistency and strength in an unfamiliar world.

Also noteworthy is their unwavering desire to support those in Dadaab. While Somali remittance sending has been explored in great detail by numerous academics, the generational aspect of these flows is often overlooked.[6] Goodwin's work reveals how responsibilities to provide for family are often a key motive for many of the students to accept placements in Canada, yet to what extent pressures to remit may implicate students' academic performance and social integration remains outside the scope of the book. As such, long-term research on the economic and social integration of these students could prove valuable, as there is a paucity of research on refugees' experiences with higher education in Canada.[7]

Like Horst's research in Dadaab,[8] Goodwin's account also sheds light on the agency exhibited by refugees who are able to use personal resolve, transnational networks, and in some cases deception and manipulation to navigate the confinements placed on them by "the refugee regime."[9] Goodwin offers glimpses into the ways young Somalis mobilize their agency, using diasporic communication and remittance sending to bridge multiple homeplaces, sustain important networks, and demonstrate solidarity with those still in exile. In particular, she explains how Somali refugee youth in Canada were able to draw upon their agency to initiate Students for Refugee Students[10]—a voluntary group of WUSC students who pay annual membership fees to support secondary education in Dadaab. Again, while there has been increased academic engagement with diaspora philanthropy, youth-led associations are largely overlooked.[11] Moreover, like many diasporans, the youth in *Citizens of Nowhere* use the Internet as a transnational space both for social organizing and for debating socio-cultural and political issues from abroad.[12] Using Goodwin's narrative as a springboard, further investigation into the role of Somali and/or resettled youth in remittance sending, philanthropy, and online networking could greatly contribute to studies of transnationalism and diaspora.

Beyond this, the book explores several crosscutting themes that emerge from the variant, often evolving, youth perspectives on gender roles, Somali clanism, and politics. It is apropos the first of these themes where cultural differences between the author and her protagonists are most evident. Goodwin is often perplexed by the students' concepts of gender, describing one young woman's views of gender roles as "confusing."[13] That said, the students' opinions on the subject are often quite divergent; while one young woman maintains that "girls are not equal," another eagerly enrols in women studies courses, interrogating the gender roles of her own culture and those in North America.[14] Again, a more long-term study could help unveil to what extent refugees' understandings of gendered norms are contested and reconfigured over time in Canada.

The sensitivity surrounding Somali clanism is another subject Goodwin becomes acutely aware of through her interviews. Many youth were hesitant to discuss their clan identity, frequently reiterating a desire to transcend clan-based differences. For example, one student asserts: "Any Somali is my brother or sister, and one of my ambitions is to eliminate this clan issue. When people ask me if I am Somali, some people try to ask me from which clan, and I am not going to answer it," while another concurs, "When I associate myself with a clan, I blame another clan for the tragedy of my family. That would be something I don't like. It would be against my principles."[15] Such statements invite parallels to scholarly work examining how refugee youth use their generational and geographical liminality to redefine ethnic or clan-based hierarchies.[16]

Clan affiliations are just some of many "labels"[17] these youth navigate in life and throughout *Citizens of Nowhere*. They traverse not only multiple places, but also multiple social and institutional categories: "asylum seeker," "refugee," "permanent resident," "student," "Canadian." Goodwin is able to elucidate these developments in a more accessible and personal manner than most academic literature, and I highly recommend her book to anyone interested in refugee youth, resettlement programs, and/or transnational identities and networks. An exceptional piece of non-fiction, Goodwin's work will, I hope, inspire more (former) refugee youth to publish their own reflections. As Goodwin says: "In the end, I was a witness. Someday, I know, some of them will write their own stories with their own sensibilities. I hope they do. One year in Canada is, after all, just a beginning."[18]

Robyn Plasterer

Notes

1. United Nations High Commissioner for Refugees, *Horn of Africa Crisis—Humanitarian Update,* accessed August 16, 2011, http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4e45075e5&query=dadaab.

2. Debi Goodwin, *Citizens of Nowhere* (Canada: Doubleday Canada, 2010), 7.

3. Benjamin Ajak, Benson Deng, Alephonsian Deng, Judy Bernstein, *They Poured Fire on Us from the Sky: The Story of Three Lost Boys from Sudan* (New York: Public Affairs, 2005); Dave Eggers, *What Is the What* (San Francisco: McSweeney's, 2006).

4. Goodwin interviewed actors at all levels of the program including faculty advisors, alumni, overseas partners, program coordinator Asni Mekkonen, and Director of CIC's refugee resettlement Debra Pressé, to paint a very accurate picture of the complexity of the SRP and the contribution it has made to Canada's resettlement program.

5. Goodwin, *Citizens of Nowhere*, 175.

6. Cindy Horst, *Xawilaad: The Importance of Overseas Connections in the Livelihoods of Somali Refugees in the Dadaab Refugee Camps of Kenya*, Working Paper Series / Transnational Communities (Oxford: University of Oxford, Transnational Communities Programme, 2002); Anna Lindley, *The Early Morning Phonecall: Somali Refugees' Remittances* (US: Berghahn Books, 2010); Laura Hammond, "'Obliged to Give: Remittances and the Maintenance of Transnational Networks 'at Home' and Abroad," *Bildhaan: An International Journal of Somali Studies* 9 (2010). One exception is: Laura Hammond et al., "Cash and Compassion: The Role of the Somali Diaspora in Relief, Development and Peace-Building" (commissioned for UNDP, Somalia, 2011).

7. As I have identified elsewhere, there are, however, numerous studies on the integration of refugee youth in Canadian primary and secondary schools, including: Lori Wilkinson, "Factors Influencing the Academic Success of Refugee Youth in Canada," *Journal of Youth Studies* 5, no. 2 (2002): 173–93; Lana Stermac et al., "Educational Experiences and Achievements of War-Zone Immigrant Students in Canada," *Vulnerable Children and Youth Studies* 5, no 2 (2010): 97–107; Isabel Kaprielian-Churchill, "Refugees and Education in Canadian Schools," *International Review of Education* 42, no. 4 (1996): 349–65; Cécile Rousseau, Aline Drapeau, and Ellen Corin, "School Performance and Emotional Problems in Refugee Children," *American Journal of Orthopsychiatry* 66, no. 2 (1996): 239–51; Ahearn et al., "The Experience of Refugee Children," in *Refugees: Perspectives on the Experience of Forced Migration*, ed. A. Ager (London: Pinter, 1999).

8. Cindy Horst, *Transnational Nomads: How Somalis Cope with Refugee Life in the Dadaab Camps of Kenya*, Studies in Forced Migration (New York and Oxford: Berghahn, 2006).

9. For example, one student is described as "a guy who knew how to work around restrictions [in Dadaab]," and Goodwin suggests that "all of the students know the stories of people who pretended to belong to minority tribes like the Bantu who were resettled earlier"; see Goodwin, *Citizens of Nowhere*, 70.

10. Goodwin, *Citizens of Nowhere*, 150.

11. Exceptions include Aysa-Lastra, Garchitorena, Fagen, and Tchouassi, who all mention youth associations in passing, and Hammond et al., who investigate the ways in which Somali youth, specifically, are making valuable contributions to diaspora philanthropy. For example, the University College London Somali Students Society fundraised 700 pounds for the Dadaab refugee camps in December 2010. Similarly, the Worldwide Somali Students (WSS) promotes youth activism and fundraises for the higher education of Somali students. With over six hundred members in the UK, US, Canada, Australia, Malaysia, India, Egypt, Kenya, Uganda, Bangladesh, and China, WSS is currently organizing an initiative titled Operation Restore Hope 2012, whereby one thousand educated young Somalis will return to Somalia from the diaspora to offer their services and expertise in a variety of sectors. Maria Aysa-Lastra, "Diaspora Philanthropy: The Colombia Experience" (Boston: The Philanthropic Initiative Inc., Harvard University, 2007); Victoria P. Garchitorena, "Diaspora Philanthropy: The Philippine Experience" (Boston: The Philanthropic Initiative, Harvard University, 2007); Patricia Fagen, "Migration, Development and Social Services," in *Transatlantic Perspectives on Migration* (Washington, DC: Institute for the Study of International Migration, Georgetown University, 2009); Patricia Weiss Fagen, "Haitian Diaspora Associations and Their Investments in Basic Social Services in Haiti" (Washington, DC: Georgetown University, 2009); Gérard Tchouassi, "Altruistic Preferences as Motivation for Migrants in the Diaspora to Remit to Home Communities" *Research in Applied Economics* 2, no. 1 (2010); Laura Hammond et al., "Cash and Compassion."

12. Goodwin, *Citizens of Nowhere*, 171. Numerous scholars have begun investigating how information communication technology (ICT) is enabling diasporas to organize, pool their funds, and engage in debates (see Johnson, "Diaspora Philanthropy," 11; Van Hear, "Refugee Diasporas, Remittances, Development, and Conflict"; Newland et al., "Diaspora Philanthropy"; and Jennifer Brinkerhoff, *Digital Diasporas: Identity and Transnational Engagement* (New York: Cambridge University Press, 2009). Social networking sites such as Somali students on Facebook (with over four thousand members) are engaging in conversations around social remittances, diaspora philanthropy, and peace building (Hammond et al., "Cash and Compassion). Brinkerhoff also draws upon Somali youth as an example of how diaspora organizing is being revolutionized through the internet. See Paula Doherty Johnson, "Diaspora Philanthropy: Influences, Initiatives, and Issues" (Boston: The Philanthropic Initiative, Harvard University, 2007): 11; Nicholas Van Hear, "Refugee Diasporas, Remittances, Development, and Conflict" (Migration Policy Institute, 2003), http://www.migrationinformation.org/feature/display.cfm?ID=125; Kathleen Newland, Aaron Terrazas, and Roberto Munster, "Diaspora Philanthropy: Private Giving and Public Policy," in *Migrants, Migration and Development*

Program (Washington, DC: USAID Migration Policy Institute, 2010); Laura Hammond et al., "Cash and Compassion."

13. Goodwin, *Citizens of Nowhere*, 183.
14. Ibid., 185, 230.
15. Ibid., 266
16. For example, in his 2008 research, Hoodfar finds that while Afghan refugee youth remain loyal to their families and communities of origin, they often seek to challenge the dominant ethnic/clan ideologies underpinning these social institutions, believing that clan affiliations "contradict a sense of equity and citizenry." Homa Hoodfar, "The Long Road Home: Adolescent Afghan Refugees in Iran Contemplate 'Return,'" in *Years of Conflict: Adolescence, Political Violence and Displacement*, ed. Jason Hart, Studies in Forced Migration (Portland, OR: Berghahn Books, 2008), 185.

17. Roger Zetter, "Labelling Refugees: Forming and Transforming a Bureacratic Identiy," *Journal of Refugee Studies* 4, no. 1 (1991).
18. Goodwin, *Citizens of Nowhere*, 8.

Robyn Plasterer holds an MSc in Refugee and Forced Migration Studies from the University of Oxford and has worked with various refugee education and resettlement programs in Canada for over five years. In 2009, she travelled to Dadaab and Kakuma refugee camps to conduct research and provide pre-departure orientations for students resettling to Canada. She is currently involved with refugee education projects at UNHCR Headquarters in Geneva.

Dual Disasters: Humanitarian Aid after the 2004 Tsunami

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Jennifer Hyndman
Kumarian Press, Sterling, VA, 2011. pp. xvii, 171.

Jennifer Hyndman sets an ambitious goal in this slim volume, nothing less than a re-examination of the way in which humanitarian aid is provided in the light of the increasing complexity of humanitarian disasters. The international response to the tsunami, which struck countries around the Indian Ocean on December 26, 2004, provides the starting point for her analysis, but the scope of the book is broader than the impact of the tsunami alone. The bulk of the empirical material comes from Sri Lanka and the Indonesian province of Aceh, both locations where terrible devastation as a result of the tsunami coincided with ongoing separatist conflicts. This combination of political and environmental emergencies leads to the characterization "dual disasters" that forms the central theme of the book. This clear, straightforward term encapsulates a complex and detailed argument and is sure to be widely cited.

The core of the argument is that environmental emergencies and politically focused conflict have much in common and (in contrast to the common characterization of specifically natural disasters) both may be exacerbated by human action. The notion that there is no such thing as a purely natural disaster is now widely accepted but it is given new force here through the comparison of Sri Lanka and Aceh. In Aceh, the tsunami was a "key catalyst" (p. 105) for a peace agreement which ended the decades long conflict and still holds. In Sri Lanka, in contrast, the central agreement to deliver assistance to areas of the country controlled by the Liberation Tigers of Tamil Eelam broke down. The tsunami was followed by a gradual resumption of conflict which escalated to a catastrophic end in 2009 with what an official UN report has since estimated was as many as 40,000 civilian casualties.

Systematic comparative analysis of the two contexts is deliberately avoided. Hyndman anticipates and avoids any potential criticism that she is using the nation-state as a unit of analysis, which such a comparison would inevitably involve. Rather, she emphasizes the significance of scale, incorporating multiple scales into her analysis, from the individual human body (an analysis of the changing status of widows) to global political economy (discussion of the securitization of international aid). All of the analysis is empirically informed, including interviews with many of the key participants. The policy context is a key component of this analysis so there are obvious conclusions for policy—the inequality of responses received by individuals caught up in the different disasters, for example. Yet policy analysis is not the principal aim and the key questions are of a more theoretical nature. This approach is engaged since it seeks to address the context in which particular policy approaches are conceived rather than the policies themselves. Hyndman's critical engagement has become a

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13. Goodwin, *Citizens of Nowhere*, 183.
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Systematic comparative analysis of the two contexts is deliberately avoided. Hyndman anticipates and avoids any potential criticism that she is using the nation-state as a unit of analysis, which such a comparison would inevitably involve. Rather, she emphasizes the significance of scale, incorporating multiple scales into her analysis, from the individual human body (an analysis of the changing status of widows) to global political economy (discussion of the securitization of international aid). All of the analysis is empirically informed, including interviews with many of the key participants. The policy context is a key component of this analysis so there are obvious conclusions for policy—the inequality of responses received by individuals caught up in the different disasters, for example. Yet policy analysis is not the principal aim and the key questions are of a more theoretical nature. This approach is engaged since it seeks to address the context in which particular policy approaches are conceived rather than the policies themselves. Hyndman's critical engagement has become a

hallmark of a style of critical, feminist geographic practice which Hyndman has done much to popularize.

This is Hyndman's first research monograph since *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: Minnesota University Press, 2000). That book, based on research with refugees in Kenya and Somalia, introduced a geopolitical analysis to the field of refugee studies through a "transnational geopolitics of mobility" (p. 58) that has proved extremely influential. In some senses *Dual Disasters* can be seen as a follow-up: geopolitical analysis, political engagement, and questions of humanitarian action remain central. Yet given these similarities, it is the distinctions between the two books that are more instructive, charting important developments in the humanitarian environment that have occurred in the intervening years.

One of the most notable differences between the two books is the role of UNHCR. The earlier book was targeted directly at the UN refugee agency, whereas it is barely mentioned in *Dual Disasters* (it does not even appear in the index). This is partly an indication of the broader scope of *Dual Disasters*, which considers the politics of aid delivery across the whole spectrum of international and national NGOs and various other international organizations such as IOM and UNICEF. It also relates to the contrasting theme; in the post-tsunami setting, UNHCR had a more limited role and operated in a more crowded field beyond its traditionally assumed role of refugee support. This new emphasis reflects the changing landscape of aid (or "aid scapes" as they are widely referred to in the book) as other actors have become more significant in international responses to displacement. This increasingly neo-liberal environment of competition in the provision of aid is assessed in detail in Chapter 5 ("Acts of Aid") in the context of Sri Lanka.

Since the publication of *Managing Displacement*, Hyndman has cemented her reputation as one of the most original commentators in the field of geopolitics. Her contribution has refined a specifically feminist geopolitics, which forms an important strand of analysis in the book. Chapter 4, for example, examines the ways that the tsunami has transformed the institution of widowhood in Sri Lanka. This builds on a suggested transformation in classic "Gender and Development" frameworks to incorporate "Feminism and Development" or "Feminism and Disaster" approaches. The feminist approach expands the focus on gender to an intersectional analysis of disadvantage and inequality that encompasses not only gender roles but religion, ethnicity, class, and location within Sri Lanka, amongst other things.

This intersectional approach supports a critique of Naomi Klein's analysis of "disaster capitalism" that is first raised in the introduction and further considered in an assessment of the geopolitics of fear in Chapter 3. Klein's critique of post-tsunami policy development as focused on the interests of a global capitalist class is usefully complemented by Hyndman's more detailed assessment of the competing forms of nationalism, geopolitical interests, and "humanitarian hubris" which help explain why the patterns of development predicted by Klein during her 2005 visit to Sri Lanka have largely failed to appear. Of the remaining chapters in the book, Chapter 2 provides the only comparative element to the book, with examinations of the historical background to conflict in Sri Lanka and Aceh, and Chapter 6 (written jointly with Arno Waizenegger) returns to Aceh with a more critical account of the post-tsunami peace process that has failed to provide the promised "peace dividend" for many rebel fighters.

In a book as wide-ranging yet as concisely presented as *Dual Disasters* there are inevitable sins of omission. More could have been made of the role of UNHCR in disaster relief, for example, particularly at a time of significant introspection within the organization about its mandate. Given Hyndman's previous landmark work in this area this is a surprising omission; examination of UNHCR's role in Aceh would also have supported the argument about the disparity of treatment received by conflict-displaced and tsunami-displaced people that is central to Chapter 6. A second point is that since the tsunami, one of the most notable trends in the geopolitics of international aid has been the continued emergence of relatively new donors, most obviously India and China. Although the significance of China's investments in Sri Lanka is highlighted in the introduction there seemed to be more opportunity for a re-evaluation of Mark Duffield's critical characterization of the "liberal power" of international aid in the chapter on the securitization of aid, particularly following the failure of Western governments to coerce the government of Sri Lanka into a ceasefire in the closing months of the war, as the terrible human cost was becoming apparent.

Yet to address all these points would have required a longer, denser book. One of the book's virtues is the clear, concise approach to the complexity behind the "dual disasters" of the title. It is the nature of dual disasters themselves which is the main contribution to the book. The introduction considers a number of other situations, particularly the 2010 earthquake in Haiti. The conclusion emphasizes that the likely progression of climate change will make dual disasters more likely as existing conflicts are increasingly overlain with environmental disasters. Through the intervening consideration of both Sri Lanka and Aceh it becomes apparent that the distinction in the impact of the tsunami, between war and peace, which initially appeared

obvious, is much less clear. Outcomes for individuals in both contexts were determined more by the tendency to

rrespond separately, and often unequally, to the combination of emergencies constituting these dual disasters.

MICHAEL COLLYER

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To Feel at Home Abroad or No Place Like Home: Meanings of Displacement in Refugee Studies

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Nergis Canefe

Reviewed Books

What Has Become of My Life? The Silenced Voices of Refugees in Japan,
by Erdal Doğan and Tsuyoshi Amemiya.
197 pp. Paperback. Tokyo: Kinkoh Printing, 2008.

Driven From Home: Protecting the Rights of Forced Migrants,
edited by David Hollenbach.
296 pp. Paperback. Washington, DC: Georgetown University Press, 2010,
ISBN: 9781589016460 (1589016467).

Conceptualising "Home": The Question of Belonging among Turkish Families in Germany,
by Esin Bozkurt.
243 pp. Paperback. Frankfurt and New York: Campus Verlag Press, 2009, ISBN: 9783593387918.

Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives,
edited by Susan Kneebone, Monash University, Victoria.
341 pp. Hardback. Cambridge: Cambridge University Press, 2009, ISBN: 9780521889353.

Refugees who have lost their original homes often find themselves traumatically detached in their new environment despite resettlement. Under these circumstances, their natal or lost home assumes a new significance for the sense of belonging and their need for being reconnected and recognized with dignity. In the context of refugeehood, "home" is not only a physical manifestation of identity. In their country of asylum, in essence refugees try to re-establish a lost grounding by reclaiming and reconstructing their sense of belonging.

Three of the four books reviewed here conceptualize the meaning of "home" embraced by refugees and migrants in innovative ways, though they put emphasis on different aspects of the phenomenon. The picture they create proposes that there are at least four different aspects to be considered: material, spatial, socio-political and personal. Of those four,

the last two assume paramount importance in the long term. Namely, for refugees in particular, the combined sense of attachment, belonging, and rightful ownership, as well as recognition or denial of past traumatic experiences inflicted by the loss of home have a direct impact on the acquisition of a sense of attachment to a new home.

In *What Has Become of My Life?*, for instance, Erdal Doğan and Tsuyoshi Amemiya examine the underbelly of the Japanese human rights regime and treatment of asylum seekers in Japan. In a genre that is becoming quite commonplace in the field, they collect first-hand oral narratives of refugee experiences in Japan, and how the issue of being kept in limbo for years and spending inordinate amounts of time in detention while one's refugee application is being processed renders the meaning of "home" moot for asylum seekers in Japan. The range of topics covered in this volume

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341 pp. Hardback. Cambridge: Cambridge University Press, 2009, ISBN: 9780521889353.

Refugees who have lost their original homes often find themselves traumatically detached in their new environment despite resettlement. Under these circumstances, their natal or lost home assumes a new significance for the sense of belonging and their need for being reconnected and recognized with dignity. In the context of refugeehood, "home" is not only a physical manifestation of identity. In their country of asylum, in essence refugees try to re-establish a lost grounding by reclaiming and reconstructing their sense of belonging.

Three of the four books reviewed here conceptualize the meaning of "home" embraced by refugees and migrants in innovative ways, though they put emphasis on different aspects of the phenomenon. The picture they create proposes that there are at least four different aspects to be considered: material, spatial, socio-political and personal. Of those four,

the last two assume paramount importance in the long term. Namely, for refugees in particular, the combined sense of attachment, belonging, and rightful ownership, as well as recognition or denial of past traumatic experiences inflicted by the loss of home have a direct impact on the acquisition of a sense of attachment to a new home.

In *What Has Become of My Life?*, for instance, Erdal Doğan and Tsuyoshi Amemiya examine the underbelly of the Japanese human rights regime and treatment of asylum seekers in Japan. In a genre that is becoming quite commonplace in the field, they collect first-hand oral narratives of refugee experiences in Japan, and how the issue of being kept in limbo for years and spending inordinate amounts of time in detention while one's refugee application is being processed renders the meaning of "home" moot for asylum seekers in Japan. The range of topics covered in this volume

includes the emptiness of the "Convention Refugee Status" in Japan as the legal concept is put to practice, inhumane conditions of detention for asylum seekers and prison sentences endured by refugee status applicants in ordinary cells allocated for those charged with criminal offences, and personal and familial tragedies of deportation that are all too common a practice in Japan. This is a book particularly well suited for use in classrooms looking at the refugee experience from an anthropological and oral history point of view.

Esin Bozkurt's work also bases all of her cases on narratives of home, images and memories of home, and dimensions of a sense of belonging that are not related to time. According to her study of several generations of migrant workers of Turkish and Kurdish origin in Germany, many of whom were affected by forced migration, possible pathways that are engaged to recreate and adapt to a new place by immigrants and refugees always include fragments of the old. That is by no means to suggest that integration is not possible or that, after three or four generations, German citizens with a migrant or refugee background continue to "fail" in terms of developing a sense and image of Germany as their home or at least as one of their homes. However, the extraordinarily rich accounts of the lives of Turkish men and women living in contemporary Germany make it all the more clear that members of marginalized immigrant and refugee communities have to develop a very strong sense of home other than that in Germany in order to sustain a dignified presence. Bozkurt's key contribution to the field is the placement of the life experiences of immigrants and refugees into a broader theoretical perspective thanks to her careful attention to gender and generational differences. In her work, Bozkurt identifies three central themes, which also appear in the other two volumes written on the subject of home in refugee studies: "home" as the experience of a psychological space of safety and retreat from a receiving society that is largely hostile due to xenophobic trends and anti-immigrant and anti-refugee sentiments; "home" as the socio-emotional space of relatedness to family; and "home" as geographical-emotional landscape to compensate for a real sense of attachment.

Indeed, there is a marked difference between the experiencing of home in exile compared to its perception while "at home." This latter, ordinary concept of home assumes a world of order and symmetry that belies the nuanced relationship between the individual and group, the group and state, and the state and territory, as clearly observable in the case of refugees and migrants. Indeed, we have little understanding of the diverse meanings associated with this important phenomenon: Home in exile is experienced as a multidimensional loss associated with emotional, social and physical disturbances, diversions and changes. On the

other hand, the endurance engendered in response to these challenges could in effect open up the possibility for conceptualizing refugee and immigrant responses to dislocation in terms of resilience against human suffering. The last volume reviewed here on the issue of home, *Driven from Home* edited by David Hollenbach, hints precisely at that. It is true that in terms of re-establishing a sense of belonging, challenges refugees face vary greatly depending on the conditions and duration of their displacement. Some are able to eventually return home or are forced to do so, while others spend years in tent cities or refugee camps and thus are warehoused in semi-permanency; still others emigrate and face the challenge of becoming potentially permanent outsiders in a new "homeland." Hollenbach's intervention in this debate on what is "home" for a refugee is two-fold. On the one hand, this volume brings renewed attention to the economic, ethical, and political complexity of assisting those who are forced to seek lives elsewhere and who can no longer claim or afford a home. On the other hand, the contributors also discuss how the "duty to protect" refugees should be defined and implemented according to the precepts of international law to respond to the needs of the uprooted and the dispossessed. Hollenbach is also the editor of *Refugee Rights: Ethics, Advocacy, and Africa* and author of *The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics*. His unique approach is indeed informed by his belief in the mixing of the secular and the profane in terms of creating adequate responses to global crises and going against the grain of normalizing and localizing refugee crises. For him, international refugee law is a tool to be used in the fight against all odds regarding the life chances of those driven from home everywhere.

On the matter of the letter of the law, the last volume reviewed here is Susan Kneebone's very timely contribution to the limits and failings of the "rule of law" in the context of refugees and asylum seekers. If we were to call refugees the "global homeless," then Kneebone and the contributors to her edited volume warn us that we collectively lack in the department of the famous "charitable impulse" such as the kind that laid the foundations of the Poor Laws in eighteenth-century England. It is true that the 1951 Convention relating to the Status of Refugees is now sixty years old. Yet how much is there to celebrate? What impact has this instrument had on resolving refugee problems and how effective has it been as the principal standard for the international protection of refugees? These are the key issues put under the critical lens of Kneebone's latest contribution to the field. A prolific scholar in her own right, she joins forces with some of the most innovative minds in the field doing work on refugee law in Canada, Australia, the UK and the US. While over 30 million people are counted as "persons of

concern to the UN High Commissioner for Refugees," the debate continues regarding not only the nature of the protection that refugees should be granted, but also the obligations of receiving countries towards refugees and asylum seekers and how states manage to "legally" fail them in a systematic fashion.

No doubt both the 1951 Convention and its 1967 Protocol set out the rights of refugees and the standards for their treatment in the countries that receive them. However, for instance it is commonly pointed out that, because the definition of a refugee in these documents requires that a person be outside his or her country, it thus effectively excludes internally displaced people from receiving international protection. Moreover, since both the Convention and the Protocol focus on individualized persecution, these documents do not adequately recognize situations of generalized violence such as wars and ongoing civil conflicts, natural disasters, or large-scale development projects as legitimate causes of flight. In addition, neither instrument makes any direct reference to the concept of asylum. Consequently, lawful admission and the conditions under which it is granted remain at the discretion of concerned or affected states. The only safeguard that the Convention provides for refugees is the principle of *non-refoulement*. Against this somewhat discouraging background, Kneebone's volume reintroduces some of these critical debates on international refugee law within the context of the post-9/11 world of the Global North. The contributors to the volume locate debates on refugee law within the more general discussion surrounding the nature of law and legality in the aftermath of America's war on terror. This is a most welcome development that indeed encouraged the contributing authors to reflect on the normative commitments underpinning the choices made by various leading states in world politics regarding the screening and *de facto* exclusion of asylum seekers from the domain of legality and rule of law in the Global North. At the core of all the debates presented in this volume lies a key dispute about the foundations, purpose and function of refugee law in its current form. Much of the concern expressed is related to the continuing relevance of the "statist paradigm" and what alternatives may emerge in the long run. Overall, Kneebone and her fellow authors' recent contribution to the field of refugee law provides ample new critical entries to debates regarding the international legal framework governing the protection of refugees. The case studies explicating the variations on the theme of the "minimum requirements" of and "best practices" in refugee status determination are alarmingly clear about the detrimental nature of the nexus requirement in refugee law. Similarly, the measures used to determine the nature of "persecution," and the insistent separation of "persecution" and "prosecution" brings it home to the students of refugee studies that what happened "back home" to asylum seekers unfortunately by and large remains a no man's land in refugee law to date.

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